

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;">50,341</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;">2/7/2022</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">02</p>	4. GMD:
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

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

7a. Applicant(s) Person ID **67166**
New to system Add Seq# _____

LUKE THEURER
524 E 120TH ST S
SOUTH HAVEN KS 67140

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~~ ²⁰²² 23 11. Perfection Date: ~~12/31/2021~~ ²⁷ 27 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: _____

<div style="border: 1px solid red; padding: 5px; width: fit-content;"> <p style="margin: 0;">5/19/2021 KJN</p> </div>	<p>Date Prepared: 11/16/20 By: JNE</p> <p>Date Entered: 2/8/2022 By: LMoody</p>
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File No. **50,341** 15. Formation Code: **100** Drainage Basin: **CHIKASKIA RIVER** County: **SU** Special Use: Stream:

16. Points of Diversion												
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	
MOD	CHK	87877	NW	NW	NE	17	33S	1W	1	5040	2486	GEOC
	CHK	87878	NW	NW	NE	17	33S	1W	2	5245	2690	1 OF 4
	CHK	87879	NW	NW	NE	17	33S	1W	3	5245	2280	2 OF 4
MOD	CHK	87880	NW	NW	NE	17	33S	1W	4	4840	2690	3 OF 4
MOD	CHK	87881	NW	NW	NE	17	33S	1W	5	4830	2285	4 OF 4

17. Rate and Quantity				
Authorized		Additional		
Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
800	208	0 800	208	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~~ **12/31/2023** Date Acceptable Meter Installed _____

21. Place of Use											NE¼				LOT 4				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
T	MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
	CHK	69821	17	33S	1W	1			40	40	40	40														160	7A	NO	NONE	

Comments: 5/19/2021
KJN

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: October 8, 2020

FROM: Jessica Engelbrecht

RE: Application, File No. 50,341

Luke Theurer has filed the referenced application to appropriate groundwater for irrigation use, requesting a battery of four (4) wells, a quantity of 208 acre-feet, and a diversion rate of 800 gallons per minute. The proposed geographical center of the battery is located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 17, more particularly described as being near a point 5,040 feet North and 2,486 feet West of the Southeast corner of said section, in Township 33 South, Range 1 West in Sumner County Kansas within the Chikaskia River drainage basin. The application was initially filed for 224 acre-feet on 160 acres provides for 1.4 acre-feet per acre which is greater than the maximum reasonable quantity for Sumner County. The applicant agreed to reduce the requested quantity to 208 acre-feet (per September 28, 2020 email). The requested quantity of 208 acre-feet applied to the 160-acre place of use is 1.3 acre-feet per acre, which is the maximum allowable for Sumner County.

The applicant identified one possible domestic well within one-half mile of the proposed well and no non-domestic wells. Nearby well notifications letters were sent out on July 23, 2020. No contact of any kind was received. According to the WRIS database, the nearest non-domestic point of diversion (Water Right Application, File No.50,190) is located over three miles away.

A driller's test log shows Clay from 0 to 28, Clay/Fine Sand 70/30 from 28 to 38, Medium Gravel/Clay 60/40 from 38 to 40, Fine to Medium Sand/Shale 90/10 from 40 to 55 and Shale from 55 to 60. Static water level listed at 37 feet which provides a saturated thickness of 18. Generally, this test log would be cause for a limited saturated thickness study. Given the application would be the only water appropriation within a three mile radius, the study will be waived.

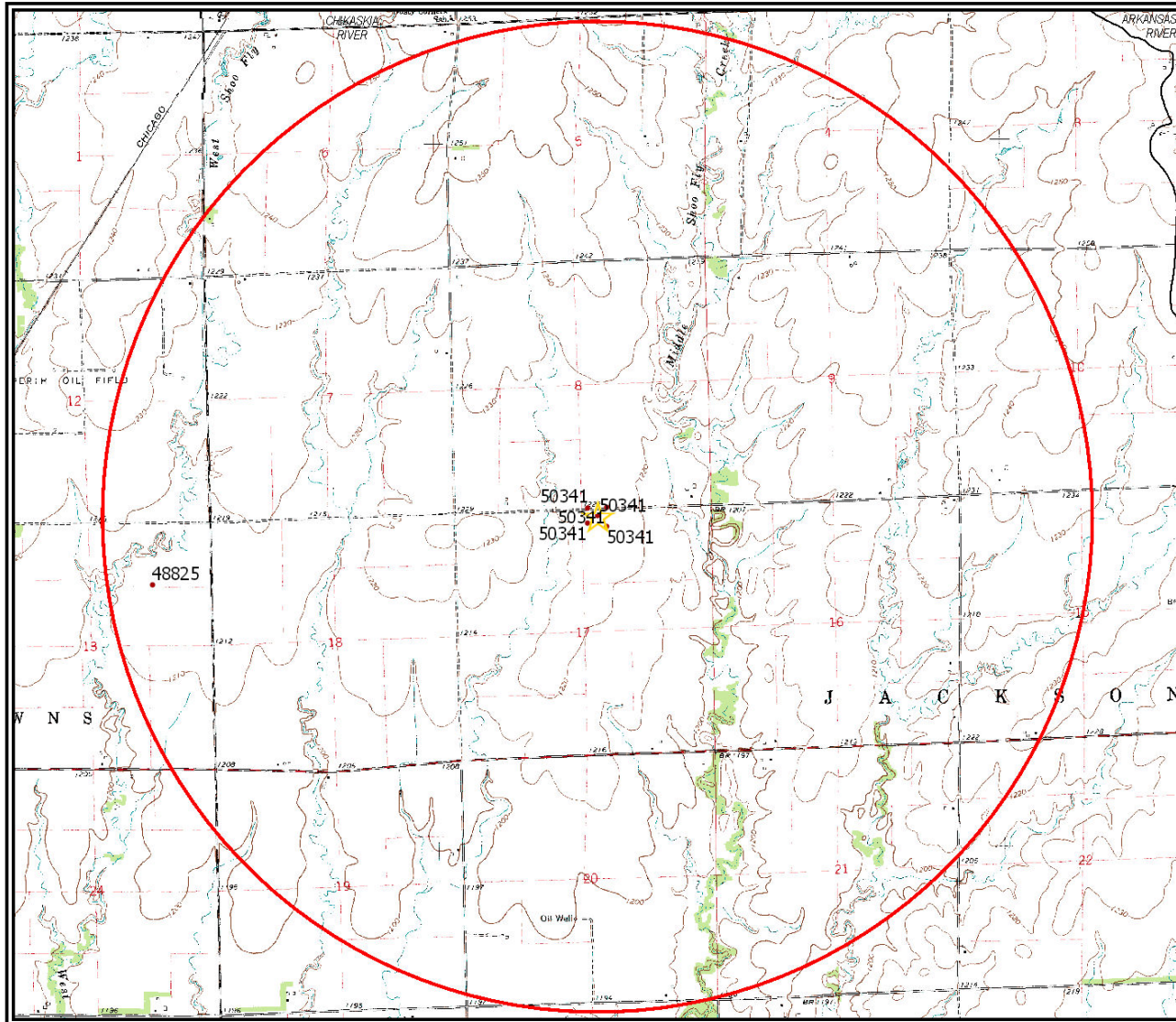
The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office on January 29, 2020.

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.

Jessica Engelbrecht
Environmental Scientist
Water Appropriations Unit

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 17-33S-01W
Footages from SE corner- 5,040 feet North 2,486 feet West



Analysis Results

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

The safe yield based on the variables listed below is 971.80 AF.

Total prior appropriations in the circle is ~~224.00 AF~~. - 224 AF (50341) = 0

Total quantity of water available for appropriation is 747.80 AF.

Safe Yield Variables

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

The potential annual recharge at the circle center is estimated to be 2.9 inches.

The percent of recharge available for appropriation is 50%.

Authorized Quantity values are as of 23-SEP-2020 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There is 1 water right and 5 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 50341 00	IRR	AY	G		NW	NW	NE	5052	2486	17	33	01W	1	WR	224.00	224.00	160.00	160.00
Same	IRR	AY	G		NW	NW	NE	5245	2690	17	33	01W	2	WR				
Same	IRR	AY	G		NW	NW	NE	5245	2280	17	33	01W	3	WR				
Same	IRR	AY	G		NW	NW	NE	4890	2690	17	33	01W	4	WR				
Same	IRR	AY	G		NW	NW	NE	4830	2285	17	33	01W	5	WR				

Engelbrecht, Jessica [KDA]

From: Lanterman, Jeff [KDA]
Sent: Friday, February 5, 2021 8:35 AM
To: Engelbrecht, Jessica [KDA]
Subject: RE: 50,431

Follow Up Flag: Follow up
Flag Status: Completed

Yes maam!. Approve it.

From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Sent: Friday, February 5, 2021 8:28 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: 50,431

So, does this mean my original memo good to go?

From: Lanterman, Jeff [KDA]
Sent: Friday, February 5, 2021 8:24 AM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>; Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Meier, Matt [KDA] <Matt.Meier@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: 50,431

So in this case since there really is no confining layer you would probably just go ahead and give it the full 3.8

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Friday, February 5, 2021 7:54 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Meier, Matt [KDA] <Matt.Meier@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: 50,431

Ge e I'm not sure that "kind of wonky" is an adequate way to describe my stunningly brilliant solution for evaluation of bedrock aquifers, with the incredible out of the box thinking required to develop this procedure. Ha ha. So I use this for the confined Dakota aquifer safe yield. I base it on the thickness of the confining unit versus the aquifer thickness and assign it a value. Note that you always use the 100% recharge value no matter where you are, because 5-3-11 values are for unconfined (we are already reducing them a bunch per the calculation).

I've attached the spreadsheet and a typical confined Dakota Memo.

Have a great day all,

Doug

From: Lanterman, Jeff [KDA]
Sent: Thursday, February 4, 2021 4:31 PM

To: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Schemm, Doug [KDA] <Doug.Schemm@ks.gov>; Meier, Matt [KDA] <Matt.Meier@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: 50,431

Have you run this safe yield through Kristen? I'd like to get her and Doug's take on it. I'm pretty sure we wouldn't use the full sy based on a bedrock aquifer. Doug Shemm has a formula I think based on the overburden etc that he uses on bedrock aquifers that you may be able to use. I think the bedrock aquifer would get a percentage of the 3.8" recharge but I wasn't exactly sure how he did that. Its kind of wonky but it's a little better than assigning the entire 3.8 to the bedrock aquifer.

I do agree with the formation code you assigned. 😊

Other than cleaning up this on your memo I think we go ahead and approve it but based on this fact that this file is in the middle of nowhere and nothing else is in the circle.

Good ol purple hog lagoon. That is the sign of a healthy hog lagoon bacteria wise. This is coming from a guy who used to drive pork chop 1 for the KDHE CAFO program lol.

Jeff

From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Sent: Tuesday, February 2, 2021 3:08 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: 50,431

Jeff,
I've attached a memo for Application No. 50,431 which is ready for your review. The applicant is asking for 73.5 AF for irrigation use in BU County. It meets safe yield and spacing. There was no contact from nearby well owners. Because there wasn't a well log submitted with this application, I attached some information from surrounding observation wells.

Jessica Engelbrecht, Environmental Scientist
KDA Division of Water Resources
Stafford Field Office
(620) 234-5311 Office
(620) 234-6900 Fax
Jessica.engelbrecht@ks.gov
agriculture.ks.gov

Engelbrecht, Jessica [KDA]

From: Lanterman, Jeff [KDA]
Sent: Friday, October 30, 2020 8:49 AM
To: Engelbrecht, Jessica [KDA]
Subject: RE: 50,341
Attachments: WaterLvL.docx

Follow Up Flag: Follow up
Flag Status: Completed

Awesome. With that I recommend approval.

I checked for water levels nearby and there was just nothing in the area which doesn't surprise me down there. But for future reference Matt gets me water levels from the Wizard Database and summarizes them for me like this. I don't know if he talked to you about that?

Thanks
Jeff

From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Sent: Friday, October 30, 2020 8:37 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: 50,341

Yep!

From: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Sent: Friday, October 30, 2020 8:36 AM
To: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Subject: RE: 50,341

No problem. So the domestic well you sent the letter to was that house just ENE of the battery of wells?

From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Sent: Thursday, October 29, 2020 5:06 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: 50,341

Jeff,
Sorry, I didn't get this into Docuware. I emailed this to the owner and they emailed back that it was correct so I need to print the map and that email and put them in Docuware.

From: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Sent: Thursday, October 29, 2020 4:48 PM

To: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>

Subject: RE: 50,341

Jessica.

I would like to have seen a better map included with this application. I didn't see one in docuware showing surrounding wells?

From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>

Sent: Wednesday, October 14, 2020 1:14 PM

To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>

Subject: 50,341

Jeff,

I've attached the memo for 50,341. The application is saved in Docuware.

Luke Theurer filed for 224 AF for Irrigation in Sumner County. Since that exceeded the maximum reasonable quantity, I notified him that I would be changing that to 208 AF.

The test log is not good but, we previously discussed in an email that since he is the only Irrigation in that area, that a study will be waived.

Jessica Engelbrecht, Environmental Scientist

KDA Division of Water Resources

Stafford Field Office

(620) 234-5311 Office

(620) 234-6900 Fax

Jessica.engelbrecht@ks.gov

agriculture.ks.gov

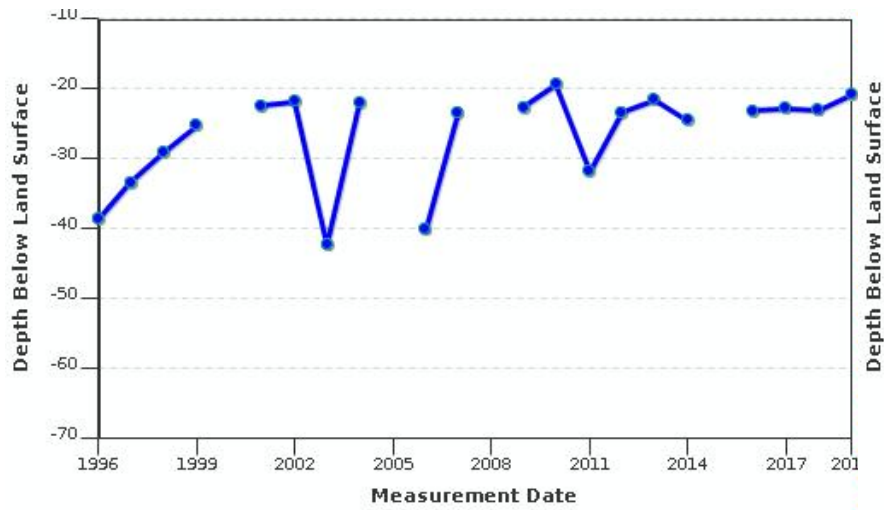


Have you completed your 2020 Census?

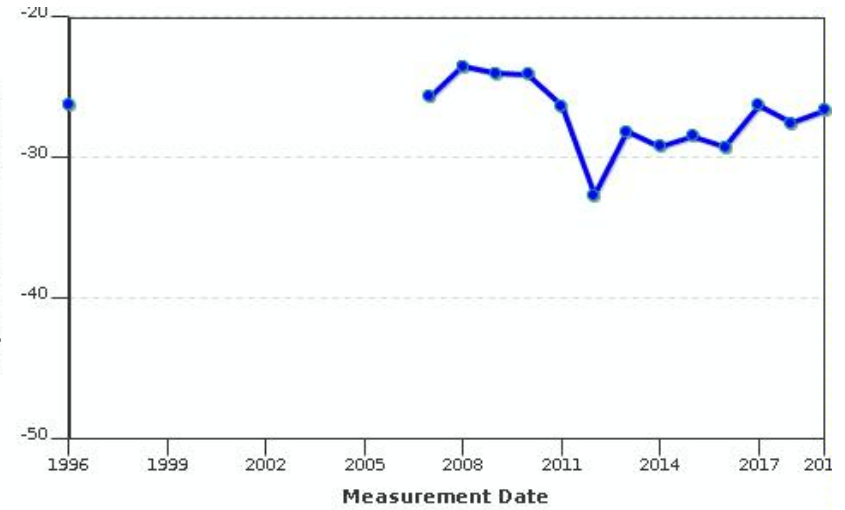
It's not too late! Take action now!

my2020census.gov

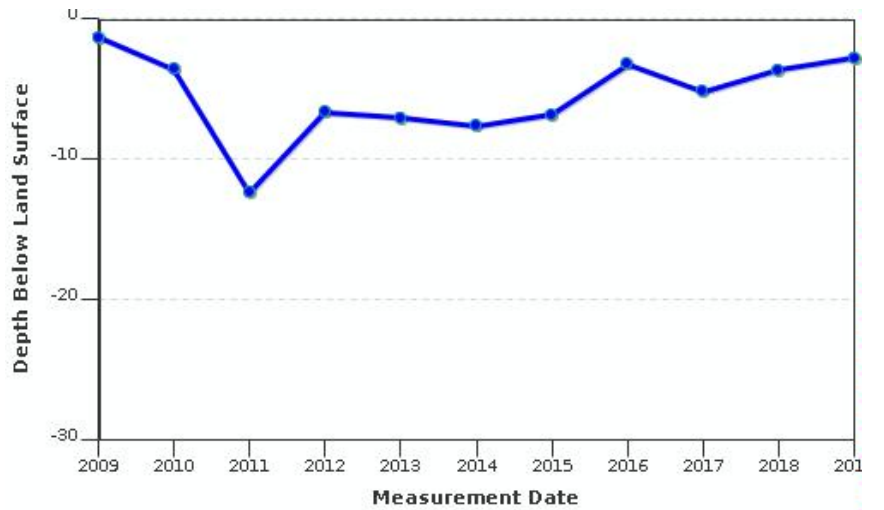
Sec 4 T29S R1W- Approx 1 Mile NE



Sec 4 T29S R1W- Approx 1 Mile NE



Sec 29 T29S R1W- Approx 3 miles South



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. 50,341** of the applicant

**LUKE THEURER
524 E 120TH ST S
SOUTH HAVEN, KS 67140**

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 **January 29, 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	
17	33S	1W	40	40	40	40													160

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, with a geographic center located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW¼ NW¼ NE¼) of Section 17, more particularly described as being near a point 5,040 feet North and 2,486 feet West of the Southeast corner of said section, in Township 33 South, Range 1 West, Sumner 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 **208 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, 2023** 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, 2027** 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.

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

February 8, 2022

LUKE THEURER
524 E 120TH ST S
SOUTH HAVEN, KS 67140

RE: Appropriation of Water, File No. 50,341

Dear Mr. Theurer:

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
Division of Water Resources

KAB:jne
Enclosure(s)

pc: Stafford Field Office

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.

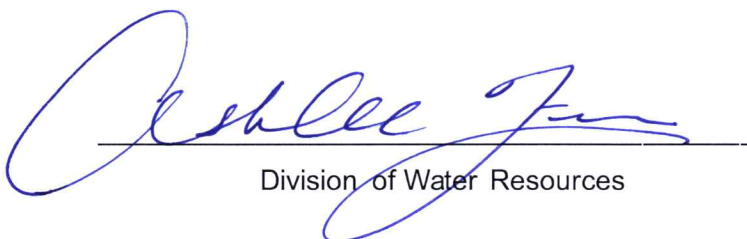
CERTIFICATE OF SERVICE

On this 8 day of February, 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,341, dated 7 February 2022 was mailed postage prepaid, first class, US mail to the following:

LUKE THEURER
524 E 120TH ST S
SOUTH HAVEN, KS 67140

With photocopies to:

Stafford Field Office



Division of Water Resources