

File No. **50,733** 15. Formation Code: **340** Drainage Basin: **Smoky Hill River** County: **EW** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity						
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
												Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
	MOD			89338	NW NW NE	24	17S	9W	1	5161	2579	1600	390	1600	390	none

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? **x Yes** No To be installed by **12/31/2024** Date Acceptable Meter Installed _____

21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files			
T	MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
	MOD			70746	24	17S	9W	1	37.5	37.5	37.5	37.5									150	7c	yes	none
	ENT	new		58732	24	17S	9W										37.5	37.5	37.5	37.5	150	7b, 7c		none

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: November 7, 2022

FROM: Kris Neuhauser

RE: Application, File No. 50,733

Colten Deutsch has filed the above referenced new application to appropriate 390 acre-feet of groundwater at a diversion rate of 1,600 gallons per minute for irrigation use from one (1) well located in the Northeast Quarter (NE¼) of Section 24, Township 17 South, Range 9 West, Ellsworth County, Kansas.

The place of use is entirely owned by Mollhagen Inc., comprised of 300 acres in the Northeast Quarter (NE¼) and the Southeast Quarter (SE¼) of Section 24, Township 17 South, Range 8 West, Ellsworth County, Kansas. The requested quantity of 390 acre-feet is the maximum allowable to irrigate the proposed 300 acres (1.3 Acre-Foot per acre allowed in Ellsworth County). There are no overlaps in point of diversion or place of use.

Based on the test hole log provided, surrounding logs, and the Kansas Geological Survey bulletin "Water Resources of the Dakota Aquifer in Kansas", the source of supply appears to be confined Dakota aquifer system. At the request of Stafford Field Office and Headquarters, John Munson reviewed the application, as well as three other applications submitted by the applicant, within a four-mile stretch. Mr. Munson determined all applications to be sourcing confined Dakota aquifer system. The confined Dakota safe yield calculations are as follows:

Saturated thickness = 73 feet
Confining layer(s) = 14 feet
Normal recharge (per K.A.R. 5-3-11) = 1.8 inches
Confined aquifer factor = 0.5

1.8 inches x 0.5 = 0.9 inches

8,042 acres x 0.9 inches x 100% = **603.15 AF available**

The applicant did not identify any domestic wells within one-half mile of the proposed point of diversion. A review of aerial photograph and the WWC-5 database reinforces this statement. Therefore, no nearby letters were required.

The point of diversion complies with well spacing criteria for the confined Dakota aquifer system to domestic wells (½ mile) as well as non-domestic wells (4 miles). The applicant has filed three other applications in the area, all of which are considered confined Dakota (File Nos. 50,709; 50,710; and 50,753). He has agreed to dismiss File Nos. 50,709 and 50,753. A voluntary dismissal form has been properly signed and submitted, and dismissals of both applications will be included with this package. Application, File No. 50,710 will be retained for the time being, as the applicant is hiring professional geologist, Brad Vincent, to conduct a study of the area. File No. 50,710 could possibly be approved in the future, depending on the outcome of said study.

Application, File No. 50756 is also within the area of consideration, but it is junior and will eventually be dismissed based on spacing to confined Dakota wells, once File No. 50,733 is approved.

Application, File No. 50,753 is located within the same Quarter Section as File No. 50,733. Originally, both applications requested 195 acre-feet at 800 gallons per minute. It was decided in a virtual meeting on October 20, 2022, that the applications will essentially be 'combined' into one, providing a quantity of 390 acre-feet (195 + 195 AF), combining both places of use into 300 acres (150 acres + 150 acres), and using the point of diversion for File No. 50,733. A waiver of K.A.R. 5-3-1(b) will be included with approval in order to accomplish this.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

In an email conversation on November 8, 2022, Jeff Lanterman, Water Commissioner of the Stafford Field Office, and Cameron Conant, Assistant Water Commissioner of the Stafford Field Office, recommended approval of the referenced application.

Based on the above discussion, safe yield criteria is met, a waiver of spacing will be included, 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.

A handwritten signature in black ink, appearing to read "Kris Neuhauser". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kris Neuhauser
New Applications Lead
Water Appropriation Program

Analysis Results

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

The safe yield based on the variables listed below is ~~904.78 AF~~ **603.15 AF**

Total prior appropriations in the circle is ~~793.00 AF~~.

Total quantity of water available for appropriation is ~~111.78 AF~~ **603.15 AF AVAILABLE***

**50733 ASKING FOR 390 AF
COMPLIES WITH SY***

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 1.8 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 11-OCT-2022 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 4 water rights and 4 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 50710 00	IRR	AY	G		SE	NW	SW	1395	3981	14	17	09W	1	WR	208.00	208.00	160.00	160.00
A 50733 00	IRR	AY	G		NW	NW	NE	5161	2579	24	17	09W	1	WR	195.00	195.00	150.00	150.00
A 50753 00	IRR	AY	G		NE	NE	NE	4743	74	24	17	09W	2	WR	195.00	195.00	0.00	0.00
A 50756 00	IRR	AY	G		NE	NE	NW	5254	2725	19	17	08W	1	WR	195.00	195.00	150.00	150.00

50710, 50753, & 50756 will all be denied*

0 AF

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: **50,733**

FO: **2**

GMD:

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	11/7/2022	51	Statewide	Application Acceptance	Maximum Allowances
Rule Number	Date Granted	Date Denied	Justification:	A decision was reached to combine the quantity, rate, and places of use of File Nos. 50,733 and 50,753 under one application. File No. 50,733 will be updated to 390 acre-feet at 1,600 gpm. Based on K.A.R. 5-4-4(c)(1)(A), well spacing for confined Dakota wells, approving both applications was not an option. The updated quantity and rate on Application, File No. 50,733 will allow the applicant to irrigate both places of use, while using only a single well.	
K.A.R. 5-3-1(b)	11/22/2022				

WAIVER RULE (complete only if a new rule needs to be created):

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
				K.A.R.		

COMMENTS: Will not be a new rule

Date Prepared **11/10/2022** By **KJN**

Date Entered **11/29/2022** By **LMoody**

From: Lanterman, Jeff [KDA]
Sent: Tue 11/8/2022 9:53 AM
To: Neuhauser, Kris [KDA];Conant, Cameron [KDA]
Cc: Baum, Kristen [KDA];Engelbrecht, Jessica [KDA]
Subject: RE: Brad Vincent discussion re Colten Deutch /Dakota discussion.

Kris.

Being pretty involved in this one I recommend approval with the waiver of 5-3-1(b). Lets let him give this a try.

I wonder if we want to additionally cite the KGS Dakota bulletin in the third paragraph of your memo to bolster our position on confined Dakota in this area?

I feel this was a community effort to get to this point! Good job everyone! Jessica may call him once in awhile just to check on it all and offer to fill out more apps.

Will be really interested to see what Brad has to say after his pump test. Like some others if Brad's work to his client is not favorable to the question they want answered we might not get to see it. Maybe 50710 will push that issue for us.

Thanks

Jeff Lanterman PG, Water Commissioner
Kansas Department of Agriculture
Division of Water Resources
(620)234-5311
jeff.lanterman@ks.gov
<https://agriculture.ks.gov/divisions-programs/dwr>

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Tuesday, November 8, 2022 8:57 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Cc: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Subject: RE: Brad Vincent discussion re Colten Deutch /Dakota discussion.

Per our conversation yesterday, here is an official rec request Jeff. Updated the memo this morning, I think everything should be spelled out now. I feel like I should title it "To be confined or not confined that is the question". That was a nice touch 😊

Emailed Colten a voluntary dismissal for 50709 and 50753 this morning, so will include dismissals for each in my package - as well as a waiver of K.A.R. 5-3-1(b) in order to pull of the combining of 50733 and 50753. Will keep 50710 alive for now, so Brad can do his study.

Let me know if I need to add anything to the memo. Thanks!

Kris

From: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Sent: Monday, November 7, 2022 3:39 PM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Cc: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: Brad Vincent discussion re Colten Deutch /Dakota discussion.

Kris;

I just talked to Colten. He wants to move forward with his applications in the middle on the half section. Rosencrantz told him they thought he can get 1200-1500 GPM there.

He talked to Brad and wants to get that approved the wells drilled and then do the pump test on it. If the pump test is favorable he might like to see if he can go ahead with the well in sec 14. He would give up his eastern application at this time.

He may call and work the details out with you Kris. I told him you would probably want to tie down the final well location for the application.

Im assuming the pump test we do here would be OK to apply to 50710. I kinda think if 50753 doesn't interfere the other way we should be ok with doing something like that.

Looks like maybe we have a path forward with these apps.

Jeff

From: Lanterman, Jeff [KDA]

Sent: Monday, November 7, 2022 10:30 AM

To: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Letourneau, Lane [KDA] <Lane.Letourneau@ks.gov>; Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Bunger, Brett [KDA] <Brett.Bunger@ks.gov>; Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>; Kopp, Kenneth [KDA] <Kenneth.Kopp@ks.gov>

Subject: Brad Vincent discussion re Colten Deutch /Dakota discussion.

"To be confined or not confined that is the question"

I talked to Brad this AM specifically about Colten, but more generally about what we are discussing at DWR with respect to the Dakota. He had talked to Colten already.

We discussed what we were doing as far as looking to the KGS bulletin to make at least an initial call on whether or not something is confined and applying spacing accordingly. We did discuss confined Dakota spacing.

So Colten had already talked to him about combining those 2 center applications. He said he couldn't get to anything for Colten until after the first of the year.

Brad said he wants to do a 24 hour pump test. He says they will know pretty quickly whether or not it is confined. He mentioned a study he did up by Concordia (I think)and how pumping showed up almost instantaneously in wells a quarter of a mile away. He had looked at the well logs Colten had sent him.

I told him I thought if we were going to deviate from the KGS study I thought we would look at a couple things. The biggy would be whether or not it actually is confined at that location. But secondly perhaps the pump test would show that 4 mile spacing between the confined Dakota wells could be reduced a bit based on aquifer parameters.

Brad said after looking at the well logs he gave Colten a 25% chance of being successful with a study from him. He says he always tries to be realistic with applicants and let them decide if the extra expense is worth it.

He asked about the KGS study we were looking at so I sent him that.

Jeff Lanterman PG, Water Commissioner
Kansas Department of Agriculture
Division of Water Resources
(620)234-5311

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

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

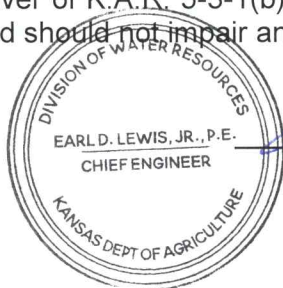
WAIVER OF REGULATION K.A.R. 5-3-1(b) Well Spacing

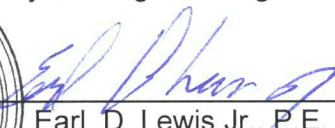
Date: November 23, 2022

RE: New Application, File No. 50,733

1. That K.A.R. 5-3-1(b) states in part: When an application is received in the office of the chief engineer and assigned a number, the maximum quantity of water per calendar year and the maximum rate of diversion shall not be increased.
2. That the applicant, Colten Deutsch, submitted four applications in a four-mile area; Application, File Nos. 50,709; 50,710; 50,733; and 50,753. File Nos. 50,733 and 50,753 both proposed one well within the Northeast Quarter (NE $\frac{1}{4}$) of Section 24, Township 17 South, Range 9 West, Ellsworth County, Kansas, asking for a quantity of 195 acre-feet and a rate of 800 gallons per minute (gpm).
3. That after review of all four applications, the source of groundwater was determined to be confined Dakota aquifer system.
4. That after multiple meetings with Stafford Field Office staff, a decision was reached to combine the quantity, rate, and places of use of File Nos. 50,733 and 50,753 under one application. File No. 50,733 will be updated to 390 acre-feet at 1,600 gpm.
5. That based on K.A.R. 5-4-4(c)(1)(A), well spacing for confined Dakota wells, approving both applications was not an option.
6. That the updated quantity and rate on Application, File No. 50,733 will allow the applicant to irrigate both places of use, while using only a single well.
7. That according to the driller and applicant, the test hole for File No. 50,733 has shown better potential than the test hole for File No. 50,753. Thus, File No. 50,733 was chosen for the authorized point of diversion moving forward.
8. That the applicant spoke directly with Jeff Lanterman, Water Commissioner of the Stockton Field Office, about the above referenced points.
9. That a waiver of K.A.R. 5-3-1(b) will not prejudicially or unreasonably affect the public interest and should not impair any existing water rights.

Comments:




Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

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. 50,733** of the applicant

COLTEN DEUTSCH
785 N AVENUE
CHASE, KS 67524

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 **March 4, 2022**.

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		
24	17S	9W	37.5	37.5	37.5	37.5														300

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW¼ NW¼ NE¼) of Section 24, more particularly described as being near a point 5,161 feet North and 2,579 feet West of the Southeast corner of said section, in Township 17 South, Range 9 West, Ellsworth County, Kansas, 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 **1,600 gallons per minute (3.56 c.f.s.)** and to a quantity not to exceed **390 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, 2024** 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, 2028** 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).

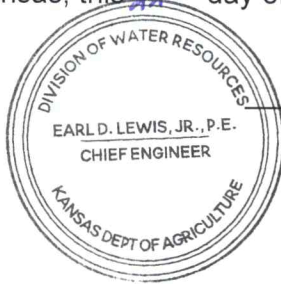
14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure 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.

Dated at Manhattan, Kansas, this 22nd day of November, 2022.



Earl D. Lewis, Jr.
Earl D. Lewis, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 22 day of November, 2022, by Earl D. Lewis, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings
Notary Public



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



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

Mike Beam, Secretary

Laura Kelly, Governor

COLTEN DEUTSCH
785 N AVENUE
CHASE, KS 67524

November 23, 2022

RE: Appropriation of Water, File No. 50,733

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
Mollhagen Inc
Maxx LLC – Series 01

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 request an evidentiary hearing before the Chief Engineer, or 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 Division, 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 review 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 23 day of November, 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,733, dated 22 November, 2022, was mailed postage prepaid, first class, US mail to the following:

COLTEN DEUTSCH
785 N AVENUE
CHASE, KS 67524

With photocopies to:

MOLLHAGEN INC
2445 10TH RD
LORRAINE, KS 67459

MAXX LLC – SERIES 01
2445 10TH RD
LORRAINE KS 67459

Stafford Field Office


Division of Water Resources