



File No. <b>49399</b>	15. Formation Code: <b>330</b>	Drainage Basin: <b>Salt Creek</b>	County: <b>OT</b>	Special Use:	Stream:																																																																																					
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="10" style="width:50%; vertical-align: top;"> 16. Points of Diversion  T  MOD  DEL  ENT  PDIV  Qualifier  S  T  R  ID  'N  'W  <span style="color: purple;">BATT ID 2399</span> </td> <td colspan="5" style="width:50%; vertical-align: top;"> 17. Rate and Quantity  Authorized  Additional  Rate gpm  Quantity af  Rate gpm  Quantity af  Overlap PD Files </td> </tr> <tr> <td><b>MOD</b></td><td><b>71868</b></td><td><b>SE NW NE</b></td><td><b>21</b></td><td><b>10S</b></td><td><b>5W</b></td><td><b>5</b></td><td><b>4106</b></td><td><b>1411 (GEO)</b></td><td><b>800</b></td><td><b>208</b></td><td><b>800</b></td><td><b>208</b></td><td><b>none</b></td> </tr> <tr> <td><b>ENT</b></td><td><b>90968</b></td><td><b>SE NW NE</b></td><td><b>21</b></td><td><b>10S</b></td><td><b>5W</b></td><td><b>5</b></td><td><b>4106</b></td><td><b>1421</b></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td><b>ENT</b></td><td><b>90969</b></td><td><b>SE NW NE</b></td><td><b>21</b></td><td><b>10S</b></td><td><b>5W</b></td><td><b>5</b></td><td><b>4106</b></td><td><b>1401</b></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td><b>ENT</b></td><td><b>90970</b></td><td><b>SE NW NE</b></td><td><b>21</b></td><td><b>10S</b></td><td><b>5W</b></td><td><b>5</b></td><td><b>4116</b></td><td><b>1411</b></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td><b>ENT</b></td><td><b>90971</b></td><td><b>SE NW NE</b></td><td><b>21</b></td><td><b>10S</b></td><td><b>5W</b></td><td><b>5</b></td><td><b>4096</b></td><td><b>1411</b></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>						16. Points of Diversion T MOD DEL ENT PDIV Qualifier S T R ID 'N 'W <span style="color: purple;">BATT ID 2399</span>										17. Rate and Quantity Authorized Additional Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files					<b>MOD</b>	<b>71868</b>	<b>SE NW NE</b>	<b>21</b>	<b>10S</b>	<b>5W</b>	<b>5</b>	<b>4106</b>	<b>1411 (GEO)</b>	<b>800</b>	<b>208</b>	<b>800</b>	<b>208</b>	<b>none</b>	<b>ENT</b>	<b>90968</b>	<b>SE NW NE</b>	<b>21</b>	<b>10S</b>	<b>5W</b>	<b>5</b>	<b>4106</b>	<b>1421</b>						<b>ENT</b>	<b>90969</b>	<b>SE NW NE</b>	<b>21</b>	<b>10S</b>	<b>5W</b>	<b>5</b>	<b>4106</b>	<b>1401</b>						<b>ENT</b>	<b>90970</b>	<b>SE NW NE</b>	<b>21</b>	<b>10S</b>	<b>5W</b>	<b>5</b>	<b>4116</b>	<b>1411</b>						<b>ENT</b>	<b>90971</b>	<b>SE NW NE</b>	<b>21</b>	<b>10S</b>	<b>5W</b>	<b>5</b>	<b>4096</b>	<b>1411</b>					
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20. Meter Required? <b>x Yes</b> No    To be installed by: <b>12/31/2025</b> Date Acceptable Meter Installed _____																																																																																										
21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? <b>NO</b>	Overlap Files																																																																					
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Comments:																																																																																										

# MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

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Date: May 21, 2024

From: Kris Neuhauser, Environmental Scientist

Re: New Application File No. 59,399 – Rich Boucek

## Summary

Rich Boucek (originally John Boucek prior to a change in ownership) has filed an application to appropriate groundwater to irrigate 160 acres in Ottawa County, Kansas, requesting a battery of four wells, with a quantity of 208 acre-feet of water per calendar year, at a diversion rate of 800 gallons per minute.

## Reasonable Rate and Quantity

The proposed quantity of 208 acre-feet per calendar year provides 1.3 acre-feet per acre, making it the maximum reasonable quantity for Ottawa County (1.3 x 160 acres = 208 acre-feet).

## Source of Supply and Safe Yield

Based on the well log and nearby logs and the 'Top Configuration of the Dakota Aquifer' geologic map (via KGS, circa 1995), the source of supply appears to be the unconfined Dakota Aquifer. Evaluation of the area of consideration included the extent of the confined aquifer, which provided an area of consideration of 8,042 acres. With a potential annual recharge of 2.5 inches, and 75% of recharge available for appropriation, safe yield was determined to be 1,256.64 acre-feet. Existing water rights have appropriated 841.4 acre-feet, providing a difference of 415.24 acre-feet available for appropriation, and the application requesting 208 acre-feet complies with safe yield.

## Nearby Water Rights

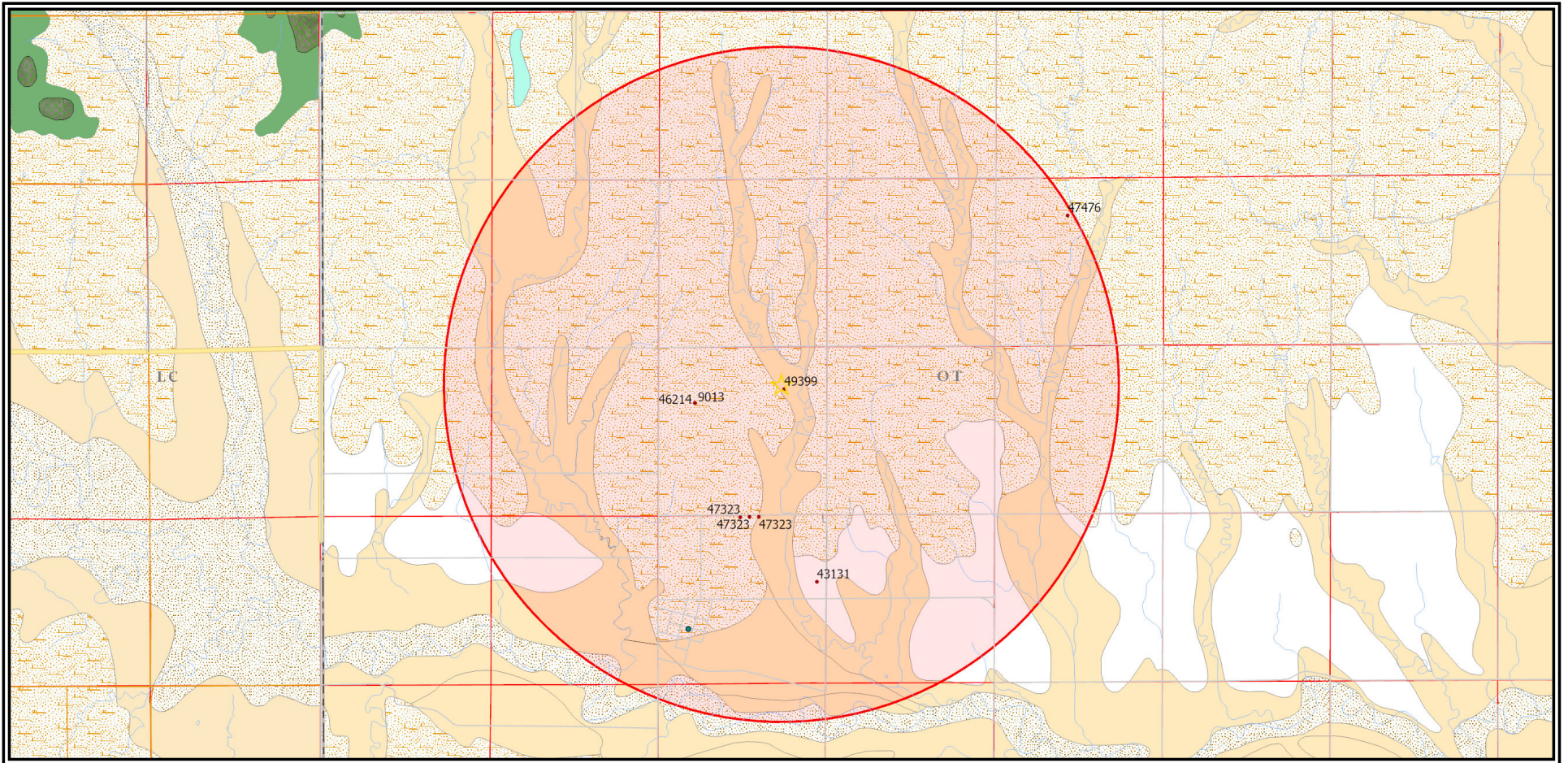
The closest non-domestic well is roughly 0.53 of a mile away, authorized by Water Right, File Nos. 9,013 and 46,214, which also sources the Dakota aquifer. The closest domestic well is well over one half mile away. Based on K.A.R. 5-4-4, well spacing criteria for wells sourcing unconfined Dakota is met. Since no domestic wells fall within one half mile of the point of diversion, no nearby notification letters are required.

## Recommendations

Kelly Stewart, Water Commissioner, and Mark Billinger, Assistant Water Commissioner, Stockton Field Office recommended approval of the application on May 21, 2024. 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 should not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.



**Safe Yield Report Sheet**  
**Water Right- Proposed Point of Diversion**  
**Point of Diversion in 00-00S-00**  
**Footages from SE corner- 4,106 feet North 1,411 feet West**



# Analysis Results

**49399 PASSES SY\***

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

The safe yield based on the variables listed below is 1,256.64 AF.

Total prior appropriations in the circle is 1,049.40 AF. **- 208 = 841.4 AF**

Total quantity of water available for appropriation is ~~207.24 AF~~.

**1256.64 - 841.4 = 415.24 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 2.5 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 21-MAY-2024 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 6 water rights and 7 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 9013 00	IRR	NK	G		NE	SW	NW	3560	4147	21	10	05W	1	WR	140.00	140.00	235.00	235.00
A 43131 00	IRR	NK	G		SE	SE	NE	3197	252	28	10	05W	2	WR	141.00	141.00	130.00	130.00
A 46214 00	IRR	NK	G		NE	SW	NW	3560	4147	21	10	05W	1	WR	62.00	0.00	235.00	0.00
A 47323 00	IRR	MM	G		NW	NW	NE	5244	2363	28	10	05W	9	WR	166.40	166.40	128.00	128.00
Same	IRR	MM	G		NW	NW	NE	5247	2068	28	10	05W	10	WR				
Same	IRR	MM	G		NE	NE	NW	5240	2657	28	10	05W	11	WR				
A 47476 00	IRR	LO	G		SE	NE	NW	4113	2941	14	10	05W	4	WR	182.00	182.00	180.00	180.00
<del>A 49399 00</del>	<del>IRR</del>	<del>AY</del>	<del>G</del>				<del>NE</del>	<del>3960</del>	<del>1320</del>	<del>21</del>	<del>10</del>	<del>05W</del>	<del>5</del>	<del>WR</del>	<del>420.00</del>	<del>420.00</del>	<del>395.00</del>	<del>160.00</del>

~~208~~

## Limitations

File Number	Seq Num	Limitations
A 46214 00	1	140AF/YR @ 700GPM COM/W #9013 ✓

**From:** Stewart, Kelly [KDA]  
**Sent:** Tue 5/21/2024 1:29 PM  
**To:** Neuhauser, Kris [KDA]; Billinger, Mark [KDA]  
**Cc:** Hageman, Nancy [KDA]  
**Subject:** RE: 49399

Kris,

I recommend approval of this application. Thanks for wrapping this one up.

Kelly

---

**From:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>  
**Sent:** Tuesday, May 21, 2024 1:25 PM  
**To:** Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto:Mark.Billinger@ks.gov)>; Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Subject:** RE: 49399

Here's my memo. Have all the approvals ready to go. If Earl ends up not being here tomorrow or Thursday, I'll follow up. Otherwise will get them signed and emailed to Rich.

---

**From:** Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto:Mark.Billinger@ks.gov)>  
**Sent:** Tuesday, May 21, 2024 10:44 AM  
**To:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>; Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Subject:** RE: 49399

Rich does have a driller showing up this week that needs some paperwork. I know it's a rush rush thing at this stage but I don't know if we can give him anything official until the application is approved? Told him I would call back this morning to tell him what I can.

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**From:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>  
**Sent:** Tuesday, May 21, 2024 10:25 AM  
**To:** Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto:Mark.Billinger@ks.gov)>; Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Subject:** RE: 49399

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**From:** Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto:Mark.Billinger@ks.gov)>  
**Sent:** Tuesday, May 21, 2024 10:10 AM  
**To:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>; Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Subject:** RE: 49399

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**From:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>  
**Sent:** Tuesday, May 21, 2024 9:42 AM  
**To:** Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto:Mark.Billinger@ks.gov)>; Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Subject:** RE: 49399

Well hey that's awesome, glad it meets now. That would be great on the SY though Mark, thanks. I'm speaking with Linda this morning and she's working on my Arc issue. Really hope it can get fixed this week.

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**From:** Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto:Mark.Billinger@ks.gov)>  
**Sent:** Tuesday, May 21, 2024 9:34 AM  
**To:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>; Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>  
**Subject:** RE: 49399



Rich just called and I discussed the well spacing issue and he did verify its all in family ownership. However he stated the location of the well should be in the center of the NE ¼. The well log submitted was identified in the SW corner of the NE ¼. He had his guy there and gave coordinates of where they plan on drilling the new application to be NC of NE ¼. I plotted it and it meets well spacing. So there may have been an error on the test hole log location.

Updated location given is 39.17250 -97.87877 which is only like 170 feet nw of where it shows up on the pd shapefile.

I can re-run the safe yield on this location directly and send it to you.

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**From:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Sent:** Tuesday, May 21, 2024 9:30 AM  
**To:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>; Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto:Mark.Billinger@ks.gov)>  
**Subject:** RE: 49399

Kris,

Back on 9/3/2020, I e-mailed Doug Schemm and told him I preferred the applicant meet ½ mile spacing. Do you know of any reason Richard can't move his proposed p/d a little further away from their own irrigation well? I'm really not too concerned about the lack of spacing here, but it would be better if they didn't need a waiver. Back in 2020, Doug didn't think it would be a problem for them to pick a point that met spacing.

Kelly

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**From:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>  
**Sent:** Tuesday, May 21, 2024 8:41 AM  
**To:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>; Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto:Mark.Billinger@ks.gov)>  
**Subject:** 49399

Kelly, attached is a safe yield report for 49399. Based on the log, location, and newer way of processing Dakota apps, I'm calling it unconfined and using the full two-mile circle. Easily passes.

Mark had been working with Rich Boucek to get ownership issues ironed out. Sounds like everything is in place and we can proceed with the app. I spoke to Rich on the phone Friday afternoon, a well driller he knows is lined up to be in the area at the end of this week. Told Mark the same. Since it's such an old app, we were hoping to give him the okay to have the driller swing by.

The only issue would be the spacing to WR 9013/46214, though we believe that the well belongs to them (sounds like a family farm situation). I couldn't get ahold of Rich yesterday, but I'll try today to confirm they own that WR. Would we be comfortable approving this one even though spacing isn't met? I believe we're looking at around 0.35 of mile away.

Kris

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. 49,399** of the applicant

**RICHARD C & CYNTHIA LYNN BOUCEK  
297 NAVAJO RD  
MINNEAPOLIS, KS 67467**

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 9, 2016**.
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	
21 - 10S - 5W	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 geographical center located in the Southeast Quarter of the Northwest Quarter of the Northeast Quarter (SE¼ NW¼ NE¼) of Section 21, more particularly described as being near a point 4,106 feet North and 1,411 feet West of the Southeast corner of said section, in Township 10 South, Range 5 West, Ottawa 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 **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, 2025**, 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, 2029**, 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 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).

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.

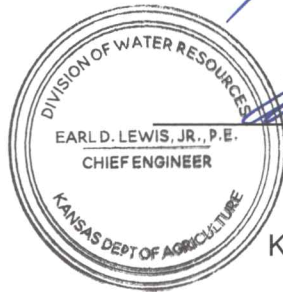
15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That 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.

17. 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, shall be limited to a total maximum combined diversion rate not in excess of 800 gallons per minute (1.78 c.f.s.) and shall supply water to a common distribution system.

18. That failure without cause to comply with the provisions of this 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.

Ordered this 22<sup>nd</sup> day of May, 2024, in Manhattan, Riley County, Kansas.

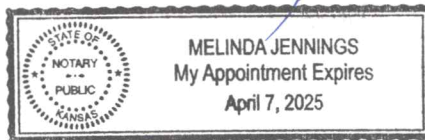


*Earl D. Lewis Jr.*  
\_\_\_\_\_  
Earl D. Lewis Jr., P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of May, 2024, by Earl D. Lewis Jr., 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

May 28, 2024

RICHARD C & CYNTHIA LYNN BOUCEK  
297 NAVAJO RD  
MINNEAPOLIS KS 67467

RE: Appropriation of Water  
File No. 49,399

Dear Mr. Boucek:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use. 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](http://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/dwr](http://agriculture.ks.gov/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 Stockton Field Office at 785-425-6787. 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:kak:kjn  
Enclosure(s)  
pc: Stockton 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 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.

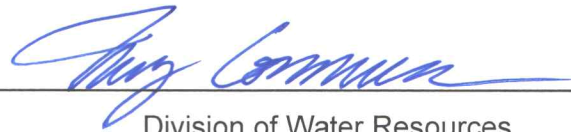
## CERTIFICATE OF SERVICE

On this 28 day of May, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,399, dated May 22, 2024, was mailed postage prepaid, first class, US mail to the following:

RICHARD C & CYNTHIA LYNN BOUCEK  
297 NAVAJO RD  
MINNEAPOLIS, KS 67467

With photocopies to:

KDA-DWR Stockton Field Office

  
Division of Water Resources