

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;"><b>50,622</b></p>	2. Status Change Date: <p style="text-align: center; color: purple; font-size: 1.2em;"><b>3/23/2023</b></p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;"><b>02</b></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

<p>7a. Applicant(s)                      Person ID <u><b>15205</b></u> New to system <input type="checkbox"/>                      Add Seq# _____</p> <p><b>COWLEY RWD 01</b> <b>33191 TOWER RD</b> <b>ARKANSAS CITY KS 67005</b></p>	<p>7c. Landowner(s)                      Person ID _____ New to system <input type="checkbox"/>                      Add Seq# _____</p>
<p>7b. Landowner(s)                      Person ID _____ New to system <input type="checkbox"/>                      Add Seq# _____</p> <p><b>7a</b></p>	<p>7d. Misc.                                      Person ID _____ New to system <input type="checkbox"/>                      Add Seq# _____</p>

<p>8. WUR Correspondent                      Person ID _____ New to system <input type="checkbox"/>                      Add Seq# _____ Overlap File (s) WUC                      Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>7a</b></p>	<p>9. Use of Water:    Changing?    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input type="checkbox"/> Groundwater                      <input type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR                      <input type="checkbox"/> REC                      <input type="checkbox"/> DEW                      <input checked="" type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK                      <input type="checkbox"/> SED                      <input type="checkbox"/> DOM                      <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG    <input type="checkbox"/> WTR PWR                      <input type="checkbox"/> ART RECHRG</p> <p><input checked="" type="checkbox"/> IND. SIC: _____                      <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: ~~12/30/2023~~ <sup>31</sup> 2024                      11. Perfection Date: ~~12/31/2042~~ <sup>2043</sup> \_\_\_\_\_                      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: \_\_\_\_\_    Date WLMD Installed: \_\_\_\_\_

Date Prepared: **6/30/22**                      By: **JNE**

3/16/2023  
KKopp
3/23/2023  
LMoody

Date Entered: \_\_\_\_\_                      By: \_\_\_\_\_

File No. **50,622**      15. Formation Code: **180**      Drainage Basin: **ARKANSAS RIVER**    County: **CL**      Special Use:      Stream:

16. Points of Diversion											
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
CHK	18496	<del>LOT 6</del>	6	35S	4E	6	2487	1439	WELL #5		
<b>NE NW SE</b>											

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files
<del>150</del>	<del>30.003</del>	<del>150</del>	0	<del>37,768</del>
<b>185</b>	<b>32.585</b>	<b>0</b>		<b>20219056</b>
				<b>22157, 50303, 20219057</b>

18. Storage: Rate \_\_\_\_\_ NF    Quantity \_\_\_\_\_ ac/ft    Additional Rate \_\_\_\_\_ NF    Additional Quantity \_\_\_\_\_ ac/ft

19. Limitation: ~~63.834~~ **32.585** mgy/yr at ~~150~~ **185** gpm ( ~~0.401~~ cfs) when combined with file number(s) **ALL P/U OVERLAP FILES (SEE COMMENTS)**  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **22157, 50303**

20. Meter Required?  Yes  No      To be installed by \_\_\_\_\_      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								
CHK	39926	6	35S	4E	3	WITHIN THE BOUNDARIES OF COWLEY RWD 01 % IMMEDIATE VICINITY																	7a	NO	SEE COMMENTS				
CHK	63735	6	35S	4E	7	FIRST COUNCIL CASINO (NW) – KAY COUNTY, OKLAHOMA																	7a	NO	SEE COMMENTS				

Comments: **P/U OVERLAP FILES - 8,382; 22,157; 37,768; 37,769; ~~20219056, 20219057, 20219058~~, 50303, 50609, 50612**  
**AND PENDING APPLICATIONS 50,609 AND 50,612**

7/12/2022  
 KJN



# KANSAS DEPARTMENT OF AGRICULTURE

## Division of Water Resources

### Stafford Field Office

### M E M O R A N D U M

**TO:** Files

**DATE:** 06/08/2022

**FROM:** Jessica Engelbrecht

**RE:** Application, File No. 50,622

Cowley County Rural Water District No. 1 has filed the above referenced application proposing to appropriate additional groundwater from the existing well. The application is requesting 32.585 million gallons (100 acre-feet) at a diversion rate not to exceed 185 gallons per minute, from a single well. It should be noted that the application will have no additional quantity to the place of use overall which includes several senior files. The well is located in the Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 6, Township 35 South, Range 4 East in Cowley County, within the Arkansas River Drainage Basin. The application is located outside the boundaries of GMD 2. The applicant has signed Paragraph No. 6 in the application stating that they have legal access to the point of diversion. The proposed point of diversion overlaps one of the wells currently authorized under Water Right, File Nos. 22,157 and 50,303.

The proposed place of use overlaps with File Nos. 8,382, 22,157, 37,768, 37,769, 50,303, 50,612 and 50,609. The authorized rates and quantities of the current appropriations are summarized in the following table.

#### EXISTING AND PROPOSED PERMITS FOR MUNICIPAL USE

File No.	Authorized Quantity (MGY)	Additional Quantity (MGY)	Authorized Rate (GPM)	Rate Limitation	Quantity Limitation
8,382 ID 03	24.4	24.4	230	NO LIMITATIONS	NO LIMITATIONS
8,382 ID 04	9.49	9.49	120	NO LIMITATIONS	NO LIMITATIONS
22,157	2.11	2.11	185	NO LIMITATIONS	36MGY COM/W 8382
37,768	8.877	8.877	150	NO LIMITATIONS	NO LIMITATIONS
37,769	8.877	8.877	175	NO LIMITATIONS	53.754 MGY COM/W 8382, 22157 & 37768
50,303	10.080	10.080	185 (0 Add)	185 GPM COM/W 22157	NO LIMITATIONS
<b>Current Total</b>	63.834	63.834	860		
50,609	32.585	32.585	175	NO LIMITATIONS	63.834 MGY COM/W ALL PU SENIOR FILES
50,612	30.003	30.003	150	NO LIMITATIONS	63.834 MGY COM/W ALL PU SENIOR FILES
50,622	32.585	32.585	185	NO LIMITATIONS	63.834 MGY COM/W ALL PU SENIOR FILES
<b>Proposed Total</b>		96.419	1,370		

The additional quantity of water is based on projected annual population growth of approximately 0.40% which would increase population from 1,533 in 2024, to 1,710 by 2039. This growth rate was determined based off Cowley RWD #-1 population data from 2020 to 2040. The application indicates current usage is equivalent to 85 gallons per capita per day. A review of 8382 past water use from 2014 to 2018 revealed an average gallon per capita per day (gpcd) use of 85.0. Based on this information the estimated water usage can be determined as follows:  $1,500 \times 85 \times 365 \text{ days} = 46.54 \text{ million gallons}$ . See Supplemental Sheet – assumes population of 1710, some other meter, other metered water, and a 10% loss.

Per the requirements of K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile circle 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 4,028 acres. With a potential annual recharge of 3 inches, and 100% of recharge available for appropriation safe yield was determined to be 574.58 acre-feet available for appropriation, and the application requesting 100 acre-feet.

A well log for the Senior File (File No. 22,157) could not be obtained. The application is an existing well that has been active for approximately 40 years. A well log from the Kansas Geological Survey for

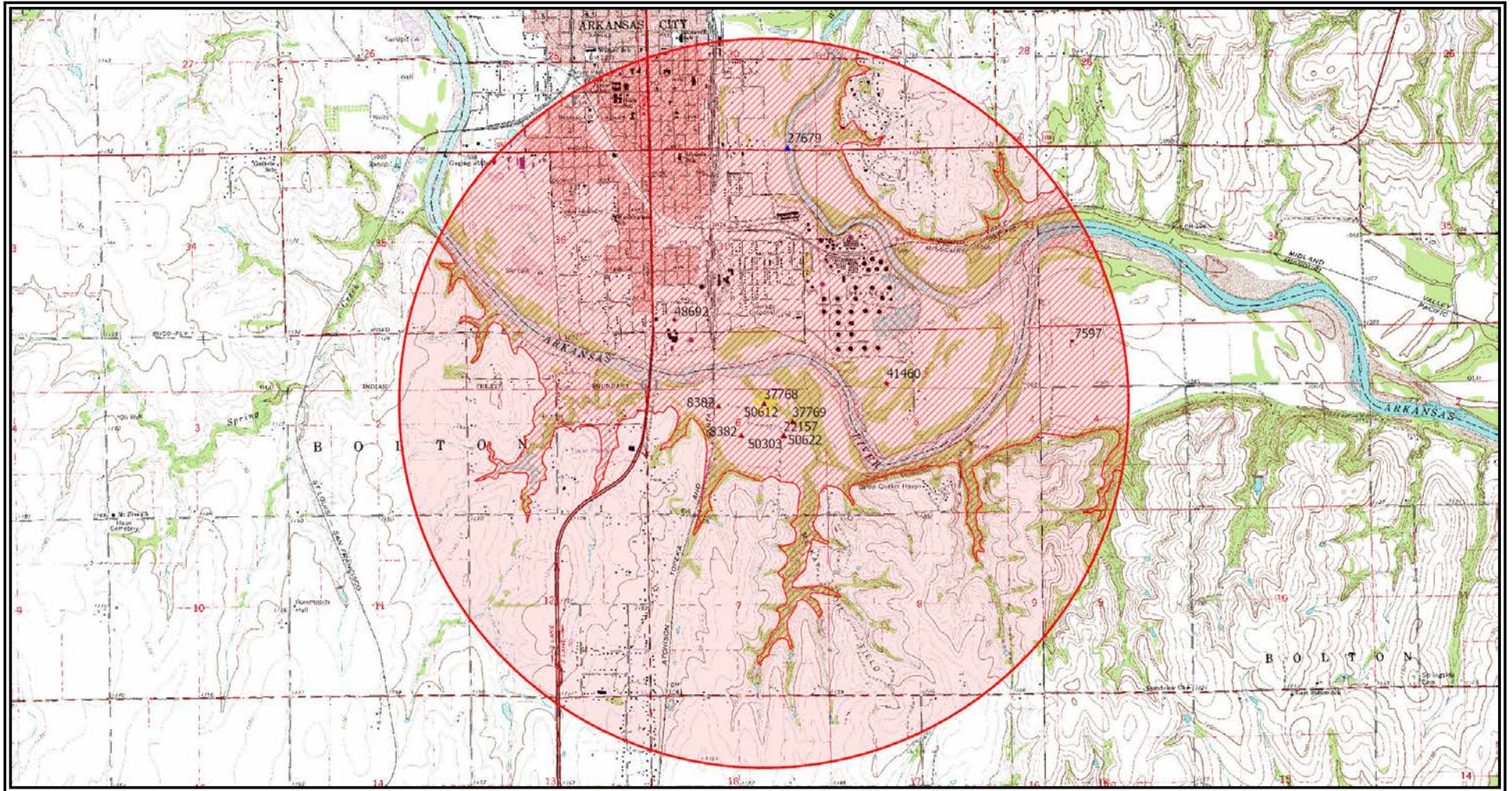
The only wells identified within a half-mile of the point of diversion belong to the applicant. Therefore, no nearby letters were mailed. The nearest domestic well is over 2,000 feet away. According to the WRIS database, the nearest non-domestic point of diversion not owned by the applicant (File No. 41,460) is located 2,961 feet away. The proposed point of diversion meets minimum well spacing to all domestic wells but fails non-domestic spacing. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells. As the well has been in use close to 40 years and has never had any reported impairment issues, the existing spacing appears to be sufficient in this case.

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.

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

Jeff Lanterman, Water Commissioner Stafford Field Office, reviewed and recommended the application for approval on . Based on the above discussion, safe yield criteria is 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.

**Safe Yield Report Sheet**  
**Water Right- Proposed Point of Diversion**  
**Point of Diversion in 06-35S-04E**  
**Footages from SE corner- 2,487 feet North 1,439 feet West**



**\*MEETS SAFE YIELD**

## Analysis Results

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

The safe yield based on the variables listed below is 1,007.04 AF.

Total prior appropriations in the circle is 532.46 AF – 100.00 AF = 432.46 AF

Total quantity of water available for appropriation is 474.58 AF + 100.0 AF = **574.58 AF**

## Safe Yield Variables

The area used for the analysis is set at 4,028 acres.

The potential annual recharge at the circle center is estimated to be 3.0 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 28-JUN-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 11 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 7597 00	REC	NK	G					4884	3267	04	35	04E	1	WR	60.00	60.00		
A 8382 00	MUN	NK	G		NW	NW	SE	2100	2500	06	35	04E	5	PD	29.12	29.12		
Same	MUN	NK	G					3200	3100	06	35	04E	4	PD	74.88	74.88		
A 22157 00	MUN	NK	G		NE	NW	SE	2487	1439	06	35	04E	6	WR	6.48	6.48		
A 37768 00	MUN	NK	G					3290	1820	06	35	04E	2	WR	27.24	27.24		
A 37769 00	MUN	NK	G					2740	1000	06	35	04E	9	WR	27.24	27.24		
A 41460 00	IND	LO	G		NW	SE	NW	3800	3500	05	35	04E	6	WR	69.48	69.48		
A 48692 00	IRR	MM	G		SE	SW	SW	292	4380	31	34	04E	8	WR	15.00	15.00	20.00	20.00
A 50303 00	MUN	KE	G		NE	NW	SE	2487	1439	06	35	04E	6	WR	30.93	30.93		
A 50609 00	MUN	AY	G					2740	1000	06	35	04E	9	WR	100.00	0.00		
A 50612 00	MUN	AY	G					3290	1820	06	35	04E	2	WR	92.08	92.08		
<del>A 50622 00</del>	<del>MUN</del>	<del>AY</del>	<del>G</del>		<del>NE</del>	<del>NW</del>	<del>SE</del>	<del>2487</del>	<del>1439</del>	<del>06</del>	<del>35</del>	<del>04E</del>	<del>6</del>	<del>WR</del>	<del>100.00</del>	<del>100.00</del>		

## Limitations

File Number	Seq Num	Limitations
A 22157 00	2	36MGY COM/W #8382
A 37768 00	1	44.877MGY COM/W #8382 & 22157
A 37769 00	1	53.754 MGY COM/W 8382, 22157 & 37768
A 50303 00	1	185 GPM COM/W #22157

## Engelbrecht, Jessica [KDA]

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**From:** Lanterman, Jeff [KDA]  
**Sent:** Tuesday, June 28, 2022 3:42 PM  
**To:** Engelbrecht, Jessica [KDA]  
**Subject:** RE: Cowley County RWD 1 Memos

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Thanks for making all those changes for me.

With that met I recommend approval for file no's 50609, 50612 and 50622

Good work on these.

Thanks

Jeff

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**From:** Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>  
**Sent:** Tuesday, June 28, 2022 10:59 AM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Subject:** Cowley County RWD 1 Memos

Jeff,

Attached are the memos and corresponding documents for File Nos. 50,609; 50,612 and 50,622.

Jessica Engelbrecht, Environmental Scientist  
KDA Division of Water Resources  
Stafford Field Office  
(620) 234-5311 Office  
(620) 234-6900 Fax  
[Jessica.engelbrecht@ks.gov](mailto:Jessica.engelbrecht@ks.gov)  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)



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. 50,622** of the applicant

**RWD 1 COWLEY COUNTY  
33191 TOWER RD  
ARKANSAS CITY KS 67005**

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 **July 26, 2021**.
2. That the water sought to be appropriated shall be used for municipal purposes within the boundaries of Rural Water District No. 1, Cowley County, Kansas, and immediate vicinity, and at the First Council Casino, Kay County, Oklahoma.
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 Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 6, more particularly described as being near a point 2,487 feet North and 1,439 feet West of the Southeast corner of said section, in Township 35 South, Range 4 East, Cowley 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 **185 gallons per minute (0.412 c.f.s.)** and to a quantity not to exceed **32.585 million gallons (100 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, 2043**, 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 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 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 the permit holder shall submit a progress report to the office of the Chief Engineer by March 1, following the tenth full calendar year after the permit was issued. The progress report must be submitted on a form prescribed by the Chief Engineer and shall compare annual water use projected in the original application with the actual annual water use for the prior 10 years. The progress report must document compliance with the approved conservation plan, contain sufficient details to determine the extent of perfection of the water right during the previous ten years, and demonstrate how the water right, in association with other water rights, meets the municipal use need.
- 18. That the rate of diversion of water approved under this permit is further limited to the rate which combined with Water Right, File No. 22,157, and Appropriation of Water, File No. 50,303, will provide a total **not to exceed 185 gallons per minute** (0.412 c.f.s.) from the well described herein.
- 19. That the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File Nos. 8,382, 22,157, 37,768, 37,769, and Appropriation of Water, File Nos. 50,303, 50,609 and 50,612, will provide a total **not to exceed 63.834 million gallons** (195.9 acre-feet) of water per calendar year for municipal purposes within the boundaries of Rural Water District No. 1, Cowley County, Kansas, and immediate vicinity, and at the First Council Casino, Kay County, Oklahoma.
- 20. 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.

ORDERED this *23<sup>rd</sup>* day of *March*, 2023, 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 *23* day of *March*, 2023, 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

March 23, 2023

ANDREW SOULE  
RWD 1 COWLEY COUNTY  
22191 TOWER RD  
ARKANSAS CITY KS

RE: Appropriation of Water  
File Nos. 50,609, 50,612 and 50,622

Term Permit  
File No. 20219056

Dear Mr. Soule:

Enclosed are permits 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 the permits.

Notice must be filed on the enclosed forms 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 the permits. If you need extensions of time, you must request them before the deadline for completion set forth in the permits. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00, per file number.

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 applications constitute permits to appropriate water. They do not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. They do 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.

RWD 1 COWLEY COUNTY

File Nos. 50,609, 50,612, 50,622 and 20219056

Page 2 of 2

Also included is an informational sheet that sets forth the procedure to obtain Certificates of Appropriation which will establish the extent of your perfected water rights. 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 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:jne  
Enclosures

pc: Stafford Field Office  
Doug Helmke (KRWA)

## 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<sup>rd</sup> day of March, 2023, I hereby certify that the attached Approval of Application and Permit to Proceed, File No. 50,622, dated March 23, 2023, was mailed postage prepaid, first class, U.S. Mail to the following:

Original to:

RWD 1 COWLEY COUNTY  
33191 TOWER RD  
ARKANSAS CITY KS 67005

Photocopy to:

DOUGLAS HELMKE (KRWA)  
6847 SE 29<sup>TH</sup> ST  
TECUMSEH KS 66542-9571

KDA-DWR Stafford Field Office



DWR Staff