



File No. **50960**      13. County: **SF Stafford** Basin: **NF Ninnescah River** Stream:  
 Structures File No:      Aquifer Code: **180 undifferentiated Kansan/Nebraskan**      Special Use Area:

14. Points of Diversion, Rates & Quantities										Qty <b>AF</b>		Rate <b>gpm</b>		Storage Qty		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)		Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps
<b>MOD</b>	<b>90079</b>	<b>NE SE NW</b>	<b>23</b>	<b>25</b>	<b>12W</b>	<b>4</b>	<b>3547</b>	<b>3281</b>		<b>15</b>	<b>15</b>	<b>800</b>	<b>800</b>				<b>+</b>
																	<b>+</b>
																	<b>#</b>
																	<b>^</b>
																	<b>**</b>
																	<b>++</b>

15. Limitations    Type:            Quantity:            Rate:            combined with file no(s):  
                           Type:            Quantity:            Rate:            combined with file no(s):

16. Metering     Metering Required     Anti-Reverse Required     Seal Required    Compliance Date: 12/31/2025

17. Place of Use										NE¼		NW¼		SW¼		SE¼		Total	Owner(s)	Chg?	Overlaps
PDIV	S	T	R	ID	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
																					<input type="checkbox"/> <b>+</b>
																					<input type="checkbox"/> <b>+</b>
																					<input type="checkbox"/> <b>#</b>
																					<input type="checkbox"/> <b>^</b>
<b>MOD</b>	<b>71227</b>	<b>23</b>	<b>25</b>	<b>12W</b>	<b>3</b>	<del>POND (NW) 4.75 AC</del> <b>5AC POND (SE NE NE) (N2 SE NW)</b>												<b>5a</b>	<input type="checkbox"/> <b>**</b>		
																			<input type="checkbox"/> <b>++</b>		

18. Point of Diversion and Place of Use Overlaps

*	**
+	++
#	##
^	^^

# MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

---

Date: July 29, 2024

From: Colin Barclay, Environmental Scientist

Re: New Application File No. 50960 – Farm House Terrace LLC

## Summary

Farm House Terrace LLC has filed the above referenced application to appropriate 15 acre-feet of ground water for storage in a 4.75 acre reservoir for recreational purposes. The rate of diversion is a maximum of 800 gallons per minute from a well located in Stafford County, Kansas and within the Big Bend Groundwater Management District #5. The place of use is solely owned by the applicant, and they have signed the application form affirming legal access to the point of diversion. DWR Structures has made the determination that dam, stream obstruction, and floodplain fill permits are not required. Application 50960 is paired with application 50959 which is an application for surface water within the same reservoir. DWR Structures has determined that no permitting is required as the reservoir appears to be natural and has existed since pre-1985.

## Reasonable Rate and Quantity

Reasonable quantity of water for recreational use was defined as one year of net evaporation and one reservoir fill per year. As confirmed through areal measurements, the proposed reservoir will have a surface area of roughly 4.75 acres and an average depth of 3 feet. Maximum reasonable quantity was found to be 17.42 acre-feet.

Net evaporation is  $4.75 \text{ acres} \times 32 \text{ inches} / 12 \text{ inches per foot} = 12.67 \text{ acre-feet per year evaporation}$ .

Reservoir capacity is  $4.75 \text{ acres} \times 3 \text{ feet depth} / 3 \text{ (shape of reservoir)} = 4.75 \text{ acre-feet capacity}$ .

$12.67 \text{ acre-feet per year of evaporation} + 4.75 \text{ acre-feet per year of reservoir capacity} = 17.42 \text{ acre-feet}$ .

Maximum reasonable quantity was found to be 17.42 acre-feet, however as the applicant is applying in Big Bend Groundwater Management District #5 which is closed, the maximum reasonable quantity that can be authorized is 15 acre-feet per year to meet the exemption as per K.A.R. 5-25-15. File no. 50,960 is not in an intensive groundwater use control area and is not within any of the drainage basins as defined in K.A.R. 5-25-15(c). The application meets the exemption as outlined in:

(a)(1) The sum of the annual quantity of water requested by the new application and the total annual quantities authorized by prior approvals of applications because of an exemption pursuant to this regulation does not exceed 15 acre-feet in a one-mile-radius circle surrounding the proposed point of diversion. Aside from 50959 which this application is paired with. There are no other exempted Water Rights within a one-mile-radius circle.

(2) The application meets the spacing criteria set forth in K.A.R. 5-25-2. This groundwater well will be 3,260 feet away from the nearest non-domestic well. The well is roughly 2,650 feet from the nearest domestic well.

(3) The approval of the application will not authorize an additional quantity of water from an existing non-domestic vested right, permit, or water right that would result in a total combined annual quantity of water authorized from the point of diversion in excess of 15 acre-feet. This application will be limited to the senior file, not to exceed 15 acre-feet.

(4) The applicant demonstrates that approval of up to 15 acre-feet of water will not impair existing water rights or permits to appropriate water for beneficial use and will not prejudicially and unreasonably affect the public interest.

(5) All requirements of K.S.A. 82a-709 and K.S.A. 82a-711, and amendments thereto, and K.A.R. 5-3-1 and K.A.R. 5-3-1b for processing a new application to appropriate water have been met.

## Source of Supply and Safe Yield

A well log was not supplied by the applicant however two (2) nearby wells located one-half ( $\frac{1}{2}$ ) mile away in opposite directions, indicates that the source of supply would be the undifferentiated Kansas/Nebraskan stage. As per K.A.R. 5-3-16 application 50,960 is exempt from safe yield as it is less than 15 acre-feet and is located within Groundwater Management District #5. The application meets the exemption for sustainable yield as per K.A.R. 5-25-4 (5) "Permits to appropriate 15 acre-feet of water or less per year that are exempt pursuant to K.A.R 5-25-15."

## Nearby Water Rights

No appropriated wells were found to be within one-half ( $\frac{1}{2}$ ) mile of the proposed point of diversion. One (1) nearby domestic was found to be just outside of one-half ( $\frac{1}{2}$ ) mile of the proposed point of diversion. The proposed point of diversion meets well spacing requirements as the nearest domestic well is roughly 2,650 feet away and the nearest nondomestic well is located roughly 3,260 feet away. Per the requirements of K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-quarter ( $\frac{1}{4}$ ) mile to all other non-domestic wells and 660 feet to domestic wells. The nearby well notification letter was sent out on May 7, 2024. No comments of any kind were received during the 15-day period open to comments and concerns.

## Recommendations

The application was sent for consideration to Orrin Feril, Manager of the Big Bend Groundwater Management District, and recommended for approval in an e-mail dated June 13, 2024.

The application was sent for consideration to Jeff Lanterman, Water Commissioner of the Stafford Field Office, and recommended for approval in an e-mail dated July 26, 2024.

The application complies with all regulations concerning reasonable quantity, safe yield, and minimum spacing requirements. 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.

Tom Taylor - At-Large (Pres.)  
Fred Grunder - Pratt (V Pres.)  
John Janssen - Kiowa (Treas.)  
Marlyn Spare - Stafford (Sec.)  
Darrell Wood - Edwards  
Craig Zwick - Rice  
Joe Schlessiger - Barton  
Kerry Froetschner - Pawnee  
Gary Hornbaker - Reno



Orrin Feril, Manager  
125 South Main Street  
Stafford, Kansas 67578  
ph: (620) 234-5352  
fx: (620) 234-5718  
gmd5@gmd5.org  
www.gmd5.org

June 12, 2024

Colin Barclay  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS 66502

RE: Application File Nos. 50959 & 50960

Dear Mr. Barclay,

The Big Bend Groundwater Management District #5 has reviewed the above referenced application for appropriation. The District is closed to further new surface and groundwater appropriations except those that are exempt from the closure per K.A.R. 5-25-4 (b).

Based upon information received in the District office, the applications meet the requirements of K.A.R. 5-25-4 (b)(9) provided that the total amount diverted between the two water rights does not exceed 15 acre-feet within a calendar year and the total size of the pond does not exceed 4.75 acres and are therefore recommended for approval

Please feel free to give me a call if you have any questions.

Sincerely,

Orrin Feril  
Manager

## FW: 50959 and 50960 review and recommendation request

Lanterman, Jeff <Jeff.Lanterman@ks.gov>

Fri 7/26/2024 10:55 AM

To: Barclay, Colin <Colin.Barclay@ks.gov>

Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>

Hmmm maybe Orrin thinks that the 15 af exemption in his reg applies to SW permits. It obviously does not.

I recommend approval of both files with a waiver of 5-25-4 for the approval of the surface water application. It is an old existing pond that has been in operation for a long time. We usually get these covered with a waiver.

I would agree with Cameron, I think we can disregard his requirement of a 15 af limitation. We will see how all this plays out during certification. I don't know how we would actually measure the SW portion of this here in order to apply the limitation 😊

Thanks

Jeff

---

**From:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>

**Sent:** Friday, July 26, 2024 10:36 AM

**To:** Lanterman, Jeff <Jeff.Lanterman@ks.gov>

**Subject:** FW: 50959 and 50960 review and recommendation request

Jeff, this is the set of applications where I'm not totally sure a surface water right is necessary but it is probably fine that one has been filed. I believe the surface water (50959) right is just based on natural flow into the existing marsh/wetland/pond. The pond was not altered, it is an existing structure that has been in place for a long time according to the application. Since no modifications were made to it, Structures didn't need any additional permitting. The surface water portion should be reported simply as Empty/Full on water use reports. The groundwater file (50960) is requesting a well that will pump into the same wetland/marsh as necessary to fill or maintain the water level for recreational/hunting purposes. GMD#5 recommended approval of both apps with the condition that the 2 files should be limited to 15 AF when combined. That limitation isn't really possible and I think we can disregard it. The SW probably should have been approved as a regular application and shouldn't be subject to the 15 AF exemption. In the past GMD has just waived the district closure to allow SW permits on existing structures but they didn't do that in this case.

This is outside the potential Rattlesnake Creek administration area and shouldn't impact Rattlesnake Creek streamflow. I think we can recommend approval of both applications and disregard the limitation wording from GMD#5. Again, I'm unsure of GMDs recommendation and I'm not certain they looked at this correctly on their end, but if you are good with it, we can probably move on with what we have. Please pass on to Colin if you agree and thanks to Colin for cleaning up the maps for us.

*Cameron*

---

**From:** Barclay, Colin [KDA] <Colin.Barclay@ks.gov>

**Sent:** Thursday, July 25, 2024 4:10 PM

**To:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>

**Subject:** Re: 50959 and 50960 review and recommendation request

Jeff and Cameron,

I was able to confirm the place of use and the point of diversion with the applicant in a new map. It has been uploaded to DocuWare dated July 25, 2024.

Please let me know if you need anything else.

Colin

---

**From:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Sent:** Thursday, July 18, 2024 3:43 PM  
**To:** Barclay, Colin [KDA] <[Colin.Barcly@ks.gov](mailto:Colin.Barcly@ks.gov)>; Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Subject:** RE: 50959 and 50960 review and recommendation request

Sounds good thank you. If applicant initials off on that map, we should be in good shape!

*Cameron*

---

**From:** Barclay, Colin [KDA] <[Colin.Barcly@ks.gov](mailto:Colin.Barcly@ks.gov)>  
**Sent:** Thursday, July 18, 2024 3:42 PM  
**To:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>; Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Subject:** Re: 50959 and 50960 review and recommendation request

Cameron,

The place of use outline on that map is exactly 4.75 acres but I am unsure if those are the correct 4.75 acres. I will also check with the applicant. A lot of the reservoir is covered in vegetation and the applicant describes it as a wetland. I will double check everything with the applicant to be sure.

Colin

---

**From:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Sent:** Thursday, July 18, 2024 3:37 PM  
**To:** Barclay, Colin [KDA] <[Colin.Barcly@ks.gov](mailto:Colin.Barcly@ks.gov)>; Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Subject:** RE: 50959 and 50960 review and recommendation request

Colin, I think that map is good if it showing the pond/marsh to be 4.75 acres like the applications state.

I do think we for sure need to run it by the applicant and make sure they are on board with that pond size and location. They should be since it is just outlining an existing marsh and they are making no changes to it. We need a formal map showing the pond size because when we do our comp check on it we need to be able to reference back to the application map to determine compliance with the place of use. Can you have the applicant initial off on that map for both files?

*Cameron*

---

**From:** Barclay, Colin [KDA] <[Colin.Barcly@ks.gov](mailto:Colin.Barcly@ks.gov)>  
**Sent:** Thursday, July 18, 2024 1:52 PM  
**To:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>; Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Subject:** Re: 50959 and 50960 review and recommendation request

Cameron,

I only ever made this map (see attached) for 50960 but it was never ran by the applicant, it has been difficult to determine the exact extent of the reservoir. Leonard calculated the reservoir to be roughly 5 acres in surface area with a capacity of less than 15 acre-feet. But he also thinks someone might need to visit the reservoir to get accurate area capacity data if no one has visited it before.

Do I need to run this map by the applicant?

Colin

---

**From:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Sent:** Thursday, July 18, 2024 11:58 AM  
**To:** Barclay, Colin [KDA] <[Colin.Barclay@ks.gov](mailto:Colin.Barclay@ks.gov)>; Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Subject:** RE: 50959 and 50960 review and recommendation request

Hey Colin, do we have an accurate p/u map showing the 4.75 acre pond that both of these apps are trying to authorize? We'd like that to for sure be in the files if it's not there already. This set of applications is a little strange, as is the GMD#5 recommendation. Jeff and I are discussing them, but we for sure would like a good p/u map. If I missed the p/u map, please point it out to me in Docuware since there were several revisions going on. Thanks,

*Cameron*

---

**From:** Barclay, Colin [KDA] <[Colin.Barclay@ks.gov](mailto:Colin.Barclay@ks.gov)>  
**Sent:** Thursday, June 13, 2024 3:14 PM  
**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>; Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** 50959 and 50960 review and recommendation request

Jeff and Cameron,

I have attached the memo draft and GMD 5 recommendation for both applications to this email. 50959 is a surface water app paired with a groundwater app (50960). Both apps are claiming the 15 acre-foot exemption for an existing reservoir. 50960 and the future groundwater well will be limited to 50959 to make sure they stay below 15 AF. Both apps are essentially in the N F Ninnescah River. The reservoir has been there since pre-1985 according to structures and the applicant claims its been there since the 1930s.

I sent out nearby letters on May 7 and I have not heard back from anyone. Please let me know if you need anything else.

Thank you!



Colin

## Barclay, Colin [KDA]

---

**From:** Phillips, Janelle [KDA]  
**Sent:** Thursday, March 14, 2024 9:00 AM  
**To:** Barclay, Colin [KDA]  
**Subject:** RE: Possible floodplain/stream obstruction permit

Colin –

It appears that the pond has been in existence for quite some time (pre-1985). If the applicant does not work on the pond then a water structures' permit is not required.

Janelle Phillips, P.E.  
Water Structures Team Lead  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan KS 66502  
785-564-6656 - office  
785-307-8292 – cell  
Janelle.phillips@ks.gov

---

**From:** Barclay, Colin [KDA] <Colin.Barclay@ks.gov>  
**Sent:** Thursday, March 14, 2024 8:39 AM  
**To:** Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>  
**Subject:** Possible floodplain/stream obstruction permit

Good morning Janelle,

I wanted to see if you had any file numbers or floodplain/stream obstruction permits or exemptions on a reservoir located in Section 23, Township 25 South, Range 12 West (WR File Nos. 50959, 50960) (37.863170, -98.611509) in Stafford County for an applicant named Farm House Terrace LLC.

Best,

Colin Barclay  
Environmental Scientist  
Division of Water Resources  
Kansas Department of Agriculture  
Phone: (785) 564-6628  
[colin.barclay@ks.gov](mailto:colin.barclay@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. 50,960** of the applicant

**FARM HOUSE TERRACE LLC  
619 S JACKSON ST  
PRATT KS 67124**

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 **February 6, 2023**.
2. That the water sought to be appropriated shall be used for recreational use, to fill and replace evaporative losses from a reservoir with a maximum surface area of 5 acres, located in the Southeast Quarter of the Northeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) and in the North Half of the Southeast Quarter of the Northwest Quarter (N $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 23, Township 25 South, Range 12 West, Stafford County, Kansas.
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 Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 23, more particularly described as being near a point 3,547 feet North and 3,281 feet West of the Southeast corner of said section, in Township 25 South, Range 12 West, Stafford 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 **15 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. The required 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 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 *8th* day of *August*, 2024, in Manhattan, Riley County, Kansas.

*Lane P. Letourneau*

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

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this *8th* day of *August*, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

*Vickie L. Belanger*

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

August 21, 2024

DAKOTA HOLTGRIEVE  
FARM HOUSE TERRACE LLC  
619 S JACKSON ST  
PRATT KS 67124-2622

RE: Appropriation of Water  
File No. 50,960

Dismissal of Application  
File No. 50,959

Dear Mr. Holtgrieve:

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. Also enclosed is a Findings and Order, dismissing Application, File No. 50,959, as you had requested in your form letter dated August 1, 2024.

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.kswateruserreport.org](http://www.kswateruserreport.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.

Also included 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 Stafford Field Office at 620-234-6900. 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:ccb

Enclosure(s)

pc: Stafford Field Office  
Big Bend GMD No. 5

## 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 *21<sup>st</sup>* day of *August*, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,960, dated *August 8*, 2024, was mailed postage prepaid, first class, US mail to the following:

FARM HOUSE TERRACE LLC  
619 S JACKSON ST  
PRATT KS 67124-2622

With photocopies to:

KDA-DWR Stafford Field Office

Big Bend GMD No. 5



Division of Water Resources