

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>50,352</b></p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;"><b>8/6/2020</b></p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;"><b>3</b></p>	4. GMD: <p style="text-align: center; font-size: 1.2em;"><b>0</b></p>
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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>64465</b></u> New to system <input type="checkbox"/>                      Add Seq# _____</p> <p><b>J-SIX ENTERPRISES LLC JENNIFER GERETY PO BOX 170 604 NEMAHA ST SENECA KS 66538</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 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 checked="" type="checkbox"/> Groundwater                      <input type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR                      <input type="checkbox"/> REC                      <input type="checkbox"/> DEW                      <input type="checkbox"/> MUN</p> <p><input checked="" 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 type="checkbox"/> IND    SIC: _____                      <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: **12/31/2021**                      11. Perfection Date: **12/31/2025**                      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: **4/23/2020**    By: **DWS**  
Date Entered: **8/10/2020**    By: **LMoody**

File No. <b>50,352</b>	15. Formation Code: <b>330</b>	Drainage Basin: <b>SMOKY HILL RIVER</b>	County: <b>MP</b>	Special Use:	Stream:																
16. Points of Diversion T MOD DEL ENT PDIV Qualifier S    T    R    ID    'N    'W			17. Rate and Quantity <b>MOD ADDL RATE &amp; QTY</b>																		
			Authorized		Additional																
			Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files														
√	<b>79479</b>	<b>SE SE NW</b>	<b>9</b>	<b>18S</b>	<b>5W</b>	<b>17</b>	<b>2709</b>	<b>2728</b> (Batt 1 of 2)	<b>60</b>	<b>31.536</b>	<b>60</b>	<b>8.118</b>	<b>39,230</b>								
√	<b>86907</b>	<b>SE SE NW</b>	<b>9</b>	<b>18S</b>	<b>5W</b>	<b>21</b>	<b>2676</b>	<b>2966</b> (Batt 1 of 2)													
√	<b>86908</b>	<b>SE SE NW</b>	<b>9</b>	<b>18S</b>	<b>5W</b>	<b>22</b>	<b>2693</b>	<b>2847</b> (Geo-Ctr)													
18. Storage: Rate _____ NF    Quantity _____ ac/ft    Additional Rate _____ NF    Additional Quantity _____ ac/ft																					
19. Limitation: <b>37.318 MGY</b> /yr at _____ gpm (_____ cfs) when combined with file number(s) <b>39,229; 39,230 &amp; 48,572 (on the place of use)</b>																					
Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____																					
20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    To be installed by <b>12/31/2021</b> Date Acceptable Meter Installed _____																					
21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? <b>NO</b>	Overlap Files
T	MOD	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
DEL	ENT	PUSE	S	T	R	ID															
√	<b>14670</b>	<b>9</b>	<b>18</b>	<b>5W</b>	<b>1</b>	<b>SWINE FACILITY (S2)</b>													<b>7a.</b>	<b>NO</b>	<b>*see below</b>
Comments: <b>*FILE NOS. 39,229; 39,230; 48,572; 50,352; 50,353; AND 50358 ALL OVERLAP IN PLACE OF USE.</b>																					

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

**TO:** Files

**DATE:** April 23, 2020

**FROM:** Doug Schemm

**RE:** Applications, File Nos. 50,352; 50,353;  
and 50,358

J-Six Enterprises, LLC (J-Six) has filed the above referenced applications proposing to appropriate additional groundwater for stockwatering use from a group of wells currently authorized under existing water rights. The project is a swine facility located in the South Half of Section 9, Township 18 South, Range 5 West, in McPherson County, within the Smoky Hill River Drainage Basin. Water Right, File Nos. 39,229; 39,230 and 48,572 will overlap in point of diversion and place of use with the new applications. The applications have all been signed by a representative of the applicant stating they have access to the points of diversion.

**Application, File No. 50,352**

File No. 50,353 is requesting 31.536 million gallons (96.78 acre-feet) of groundwater per calendar year at a diversion rate not to exceed 60 gallons per minute for stockwatering use. It will overlap in point of diversion with Water Right File No. 39,230, which is a two well battery (Wells #2 and #3). This application will provide for an additional quantity of 8.118 million gallons combined with senior files.

**Application, File No. 50,353**

File No. 50,353 is requesting 31.536 million gallons (96.78 acre-feet) of groundwater per calendar year at a diversion rate not to exceed 60 gallons per minute for stockwatering use. It will overlap in point of diversion with Water Right File No. 39,229, which is one well (Well #4). This application will not provide any additional water when combined with senior files.

**Application, File No. 50,358**

File No. 50,358 is requesting 5.782 million gallons (17.74 acre-feet) of groundwater per calendar year at a diversion rate not to exceed 11 gallons per minute for stockwatering use. It will overlap in point of diversion with Water Right File No. 48,572, which is one well (Well #1). This application will not provide any additional water when combined with senior files.

File No. 39,229 is authorized 14.6 million gallons, and Water Right File No. 39,230 is also authorized 14.6 million gallons for a total of 29.2 million gallons. Water Right File No. 48,572 is authorized 3.386 million gallons, but limited to 29.2 million gallons, providing no additional water. The applicant has provided justification for 37.318 million gallons, which is an additional 8.118 million gallons above what the senior files provide (37.318 MG – 29.2 MG). Therefore, all of the new applications will be limited to 37.318 million gallons when combined with the senior files. The requested quantity of 37.318 million gallons was based on providing an adequate supply of drinking water for various swine operations, adding up to 16 million gallons. The applicant also requested 21.3 million gallons for cooling, flushing, and sanitation, bringing the total quantity of justified water to 37.318 million gallons.

Based on a review of one of the senior files, File No. 48,572, and other area well logs, the source of supply is the unconfined Dakota aquifer system. Per the definition in K.A.R. 5-1-1(iiii) the “Unconfined Dakota aquifer system” means that portion of the Dakota aquifer system not overlain by a confining layer in which the aquifer is in equilibrium with atmospheric pressure. A well log submitted with the senior file shows the primary aquifer (sandstone) extending from 12 feet to 77 feet below ground, ending on shale bedrock. Static water level was 42.6 feet below ground, the same level it was encountered at during drilling. The well was screened from 57 feet to 77 feet, and gravel packed from 20 feet to 77 feet below ground surface. The static water level at 42.6 feet below ground surface, is below the top of the sandstone unit, and because the static water level is below the top of the aquifer (i.e. aquifer is in equilibrium with atmospheric pressure), by definition in K.A.R. 5-1-1 (iii), the source of water for this appropriation is the unconfined Dakota aquifer system.

Memorandum

File Nos. 50,352; 50,353; and 50,358

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A review of the senior file (#48,572) shows that an area to the northeast of these wells does not contain any significant aquifer. Per K.A.R. 5-3-11, an evaluation of safe yield includes the entire 2-mile area of consideration around the point of diversion within the limits of the unconfined aquifer. In keeping with the senior file, this area in the northeast was truncated out of the area of consideration, reducing the area of consideration to 5,855 acres. With a recharge of 2.2 inches, and 75% available for appropriation, this results in a safe yield of 805.06 acre-feet. This safe yield calculation is based on the extent of the unconfined Dakota aquifer system in this area, complies with K.A.R. 5-3-11 criteria for determination of safe yield, and is consistent with recent determination of safe yield for appropriations in this area. The same safe yield was used for all three files because the wells are located so close to each other. As shown on the safe yield calculation sheets, all of the applications comply with safe yield, with several hundred acre-feet available in all cases.

The only wells located within one-half mile of any of the proposed wells are the applicant's own stockwatering wells under the referenced file numbers so no notification letters are required. The applications comply with spacing to all domestic wells.

However, the existing points of diversion do not meet 2,640 feet minimum well spacing criteria to each other for the unconfined Dakota aquifer system, being spaced roughly 700 to 800 feet apart. There was considerable study of the area during the processing of the original applications for File Nos. 39,229 and 39,230, and the area has been monitored for years with no reports of direct impairment. As noted, the applicant owns all of the nearby water rights, and there is no indication that approval of the new applications will cause impairment of any senior water rights and the wells all serve the same place of use. In addition, the applicant is only asking for a reasonable increase in quantity of water, with no increases in rates of diversion. Pursuant to K.A.R. 5-4-4, the required minimum well spacing criteria is not necessary to prevent direct impairment in this specific instance, and the proposed well spacing is sufficient to prevent direct impairment and to protect the public interest.

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 these permits, check valves will also need to be installed.

In an April 22, 2020 e-mail, Kelly Stewart, Water Commissioner, Stockton Field Office, recommended approval of the referenced applications. Based on the above discussion, reduced well spacing and safe yield criteria are met, approval gives the applicant additional water for this existing facility, and approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced applications be approved.

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

## Schemm, Doug [KDA]

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**From:** Stewart, Kelly [KDA]  
**Sent:** Wednesday, April 22, 2020 1:32 PM  
**To:** Schemm, Doug [KDA]  
**Cc:** Billinger, Mark [KDA]; Hageman, Rebecca [KDA]  
**Subject:** RE: J Six Enterprise - 50,352 50,353 & 50,358

Doug,

I'm pretty familiar with this location and Steven Walters and I discussed it quite a bit before Steven assisted with the applications. I have no objection to the approval of these applications.

Kelly

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**From:** Schemm, Doug [KDA] <Doug.Schemm@ks.gov>  
**Sent:** Wednesday, April 22, 2020 1:20 PM  
**To:** Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>  
**Cc:** Billinger, Mark [KDA] <Mark.Billinger@ks.gov>  
**Subject:** J Six Enterprise - 50,352 50,353 & 50,358

Hello Stockton,

This is an existing swine facility (formerly Summit Producers), and each of the new applications overlap an existing point of diversion. Just getting about 8.1 million gallons additional quantity.

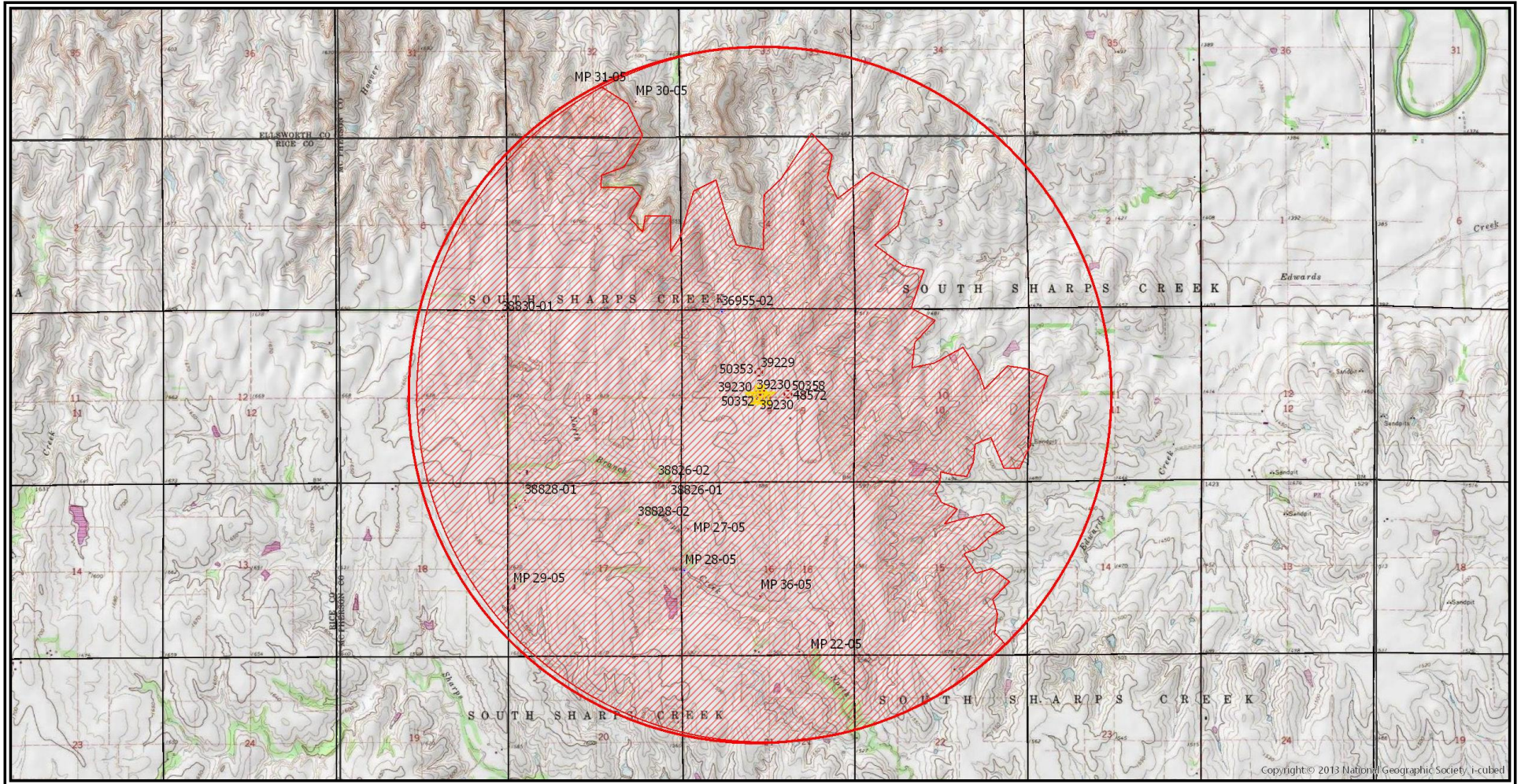
No nearbys required. The wells don't meet spacing to each other but the low rates and quantities will not cause any problems. Pretty decent sandstone aquifer.

Please review.

Have a great day,

Doug

**Safe Yield Report Sheet**  
**Water Right- A5035200**  
**Point of Diversion in 09-18S-05W**  
**Footages from SE corner- 2,709 feet North 2,728 feet West**



## Analysis Results

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

The safe yield based on the variables listed below is 805.06 AF.

Total prior appropriations in the circle is 114.53 AF. - 24.91 AF = 89.62 AF

Total quantity of water available for appropriation is ~~690.53~~ AF.  
715.44

Application File No. 50,352 - Requesting 96.79 AF  
Meets Safe Yield (24.91 AF additional)  
dws/dwr 4/22/20

## Safe Yield Variables

The area used for the analysis is set at 5,855 acres.

The potential annual recharge at the circle center is estimated to be 2.2 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 22-APR-2020 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 6 water rights and 5 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 39229 00	STK	NK	G		NE	SE	NW	3354	2883	09	18	05W	20	WR	44.81	44.81		
A 39230 00	STK	NK	G		SE	SE	NW	2709	2728	09	18	05W	17	WR	44.81	44.81		
Same	STK	NK	G		SE	SE	NW	2676	2966	09	18	05W	21	WR				
Same	STK	NK	G		SE	SE	NW	2693	2847	09	18	05W	22	WR				
A 48572 00	STK	NK	G		SW	SW	NE	2694	1998	09	18	05W	16	WR	10.39	0.00		
A 50352 00	STK	AY	G		SE	SE	NW	2709	2728	09	18	05W	17	WR	<del>96.78</del>	<del>-0.00</del>		
Same	STK	AY	G		SE	SE	NW	2676	2966	09	18	05W	21	WR				
Same	STK	AY	G		SE	SE	NW	2693	2847	09	18	05W	22	WR				
A 50353 00	STK	AY	G		NE	SE	NW	3354	2883	09	18	05W	20	WR	<del>96.78</del>	<del>7.17</del>		
A 50358 00	STK	AY	G		SW	SW	NE	2694	1998	09	18	05W	16	WR	<del>17.74</del>	<del>17.74</del>		

## Limitations

File Number	Seq Num	Limitations
A 39230 00	2	60GPM COM/W 39229
A 48572 00	1	29.2 MGY COM/W #39229 & 39230 ✓ 89.62 AF
		44.81 AF + 44.81 AF = 89.62 AF

Justified 37,317,600 million gallons on STK Supplemental Sheet.  
8,117,600 million gallons (24.91 AF) is additional water.

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

J-SIX ENTERPRISES LLC  
% JENNIFER GERETY  
PO BOX 170 604 NEMAHA ST  
SENECA KS 66538

RE: Appropriations of Water, File Nos. 50,352; 50,353; and 50,358

Dear Ms. Gerety:

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 these permits. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in these permits.

Notices 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 these permits. If you need an extension of time, you must request it 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.

Acceptable water flowmeters must be installed on the diversion works authorized by these permits prior to using water. Annual water use reports must be filed with the Chief Engineer by March 1, following the end of each calendar year. If complete annual water use reports are 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 reports online at [www.kswaterusereport.org](http://www.kswaterusereport.org).

The approvals of your applications constitute permits 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 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/divisions-programs/dwr](http://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 Stockton Field Office at 785-425-6787. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive, flowing style.

Kristen A. Baum  
New Application Unit Supervisor  
Division of Water Resources

KAB:dws  
Enclosure(s)

pc: Stockton Field Office



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
Christopher W. Beightel, Acting 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. 50,352** of the applicant

**J-SIX ENTERPRISES LLC  
JENNIFER GERETY  
PO BOX 170 604 NEMAHA ST  
SENECA KS 66538**

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 24, 2020**.
2. That the water sought to be appropriated shall be used for stockwatering use at a swine facility located in the South Half (S $\frac{1}{2}$ ) of Section 9, in Township 18 South, Range 5 West, McPherson County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater from the unconfined Dakota aquifer system, to be withdrawn by means of a battery of two (2) wells with a geographic center located in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 9, more particularly described as being near a point 2,693 feet North and 2,847 feet West of the Southeast corner of said section, in Township 18 South, Range 5 West, McPherson County, Kansas, located substantially as shown on the map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **60 gallons per minute (0.13 c.f.s.)** and to a quantity not to exceed **31.536 million gallons** (96.78 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, 2021** 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, 2025** 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 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.

18. That the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File Nos. 39,229; 39,230; and 48,572, will provide a total not to exceed **37.318 million gallons** of water per calendar year on the authorized place of use described herein.

Ordered this 16 day of August, 2020, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas )  
County of Riley ) SS

The foregoing instrument was acknowledged before me this 16 day of August, 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman  
Notary Public

## RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary. To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.


## CERTIFICATE OF SERVICE

On this 11 day of August, 2020, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,352, dated 6 August 2020 was mailed postage prepaid, first class, US mail to the following:

J-SIX ENTERPRISES LLC  
JENNIFER GERETY  
PO BOX 170 604 NEMAHA ST  
SENECA KS 66538

With photocopies to:

Stockton Field Office

  
Division of Water Resources