

Kansas Department of Agriculture
Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: <p style="text-align: center;">50400</p>	2. Status Change Date: <p style="text-align: center;">12/13/2021</p>	3. Field Office: <p style="text-align: center;">3</p>	4. GMD:
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
7a. Applicant(s) New to system <input type="checkbox"/> Person ID 40832 Add Seq# _____ MEYER LAND & CATTLE CO Attn: CHRIS MEYER PO BOX 305 SYLVAN GROVE, KS 67481-0305		7c. Landowner(s) Person ID new 66827 FORREST D MEYER TRUST NO 1 217 N KENTUCKY AVE PO BOX 305 SYLVAN GROVE KS 67481	
7b. Landowner(s) New to system <input type="checkbox"/> Person ID new Add Seq# _____ NORMA J GIER LIVING TRUST 2064 N 50TH RD HUNTER KS 67452-9316		7d.	
8. WUR Correspondent New to system <input type="checkbox"/> Person ID _____ Overlap File (s) WUC Add Seq# _____ Agree <input type="checkbox"/> Yes <input type="checkbox"/> No Notarized WUC Form <input type="checkbox"/>		9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water <input type="checkbox"/> IRR <input checked="" type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____	
10. Completion Date: 12/31/2023		11. Perfection Date: 12/31/2027	
12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Date Prepared: 12/1/2021 By: KJN Date Entered: <div style="border: 1px solid blue; padding: 2px; display: inline-block;">12/15/2021 LMoody</div>			

File No. **50400** 15. Formation Code: Drainage Basin: **SALINE RIVER** County: **LC** Special Use: Stream:

16. Points of Diversion
 T
 MOD
 DEL PDIV
 ENT Qualifier S T R ID 'N 'W

17. Rate and Quantity
 Authorized Additional
 Rate Quantity Rate Quantity
 gpm af gpm af Overlap PD Files

CHK 13343 NW NE SE 21 12S 10W 5 2020 1070

1500 24.85 1500 24.85 8714, 8715, 18-LC

STRUCTURE PERMIT: LLC-0019

MOD MOD

Quantity increase is due to the actual quantity stated in the justification of the application. li/DWR

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

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

20. Meter Required? **x Yes** No To be installed by **12/31/2023** Date Acceptable Meter Installed _____

21. Place of Use T MOD DEL ENT PUSE S T R ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
MOD 70000 21 12S 10W 5	WILDLIFE MARSH, 4 ACRES (SE NE) DAM LLC-0019 *																7c	NO YES	NONE	
MOD 70001 22 12S 10W 6	WILDLIFE MARSH, 0.5 ACRES (SW NW)																7b	NO YES	NONE	

Comments: **PU has a Leve structure for water retention in the marsh* LI/DWR 12/9/2021**

SPECIAL CONDITION

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

TO: Files

DATE: December 1, 2021

FROM: Kris Neuhauser

RE: New Application, File No. 50,400

Meyer Land and Cattle Co. has filed the above-referenced new application to appropriate 20.25 acre-feet of surface water at a maximum rate of 1,500 gallons per minute out of the Saline River for recreational use in a seasonal wetland. The application is designed to cover storage and the indirect use (evaporation and seepage) of water from said wetland. The point of diversion overlaps Water Right, File Nos. LC-18; 8,714; and 8,715, which is a pump-site located in the Southeast Quarter (SE $\frac{1}{4}$) of Section 21, Township 12 South, Range 10 West, Lincoln County, Kansas. The applicant has also signed the form stating they have legal access to this point of diversion.

The place of use is owned by Norma J Gier Living Trust and Forrest D Meyer Trust No. 1. The applicant has signed the form stating they have access to this point of diversion. This wetland project is not part of any Natural Resources Conservation Service (NRCS) easement program; via phone conversation with NRCS Easement Specialist, Brent Turney, on October 15, 2021.

After coordinating with Janelle Phillips of the Water Structures Program, it was determined a Water Structures permit will be required at the proposed location. A letter was sent to the applicant on April 21, 2021 outlining these requirements. A floodplain fill permit was filed by the applicant and will be approved along with New Application, File No. 50,400. The structures permit will be attached to the approval package in Docuware.

The total quantity of water was calculated as follows:

Annual Evaporation = 27 inches x 4.5 acres (surface area) / 12 = 10.125 acre-feet

4.6 AF (storage) + 10.125 AF (evaporation) + 10.125 AF (seepage) = **24.85 acre-feet**

Three landowners were identified $\frac{1}{2}$ mile upstream and downstream; notification letters were mailed on February 15, 2021. No responses of any kind were received. The closest surface water right not owned by the applicant (LC-15) is close to two miles downstream of the proposed pump-site. The approval of this application should not impact any senior water users.

Per K.A.R 5-3-15, this application will be subject to specific conditions, which stipulate strict requirements for direct surface water diversion. These conditions include the stipulation that no diversion shall occur unless there is water available to satisfy all demands by senior water rights and permits, written or verbal permission from the Chief Engineer, or an authorized representative is required prior to diverting water, and streamflow cannot be stopped at the first riffle below the point of diversion while diversion is taking place. This application also complies with K.A.R 5-3-15 (c)(5) because the proposed use of water for recreational use is typically during the fall season, and there is no need for direct diversion of water from July 1 through September 30.

The applicant has submitted a signed a Minimum Desirable Streamflow form, which has been properly notarized. By completing this statement, the applicant affirms his/her knowledge that there could be times when the diversion of water may not be allowed under this permit.

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

Kelly Stewart, Water Commissioner of the Stockton Field Office, recommended approval of the application in an email conversation on December 1, 2021.

Based upon the above discussion; the applicant has obtained the proper permitting required through DWR Water Structures Program, no Compatible Use Agreement is required with NRCS, and there is no indication that the proposed beneficial use of water will impair existing water rights. Therefore, it is recommended that the referenced application be approved.

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

Kris Neuhauser
Environmental Scientist
Water Appropriation Program

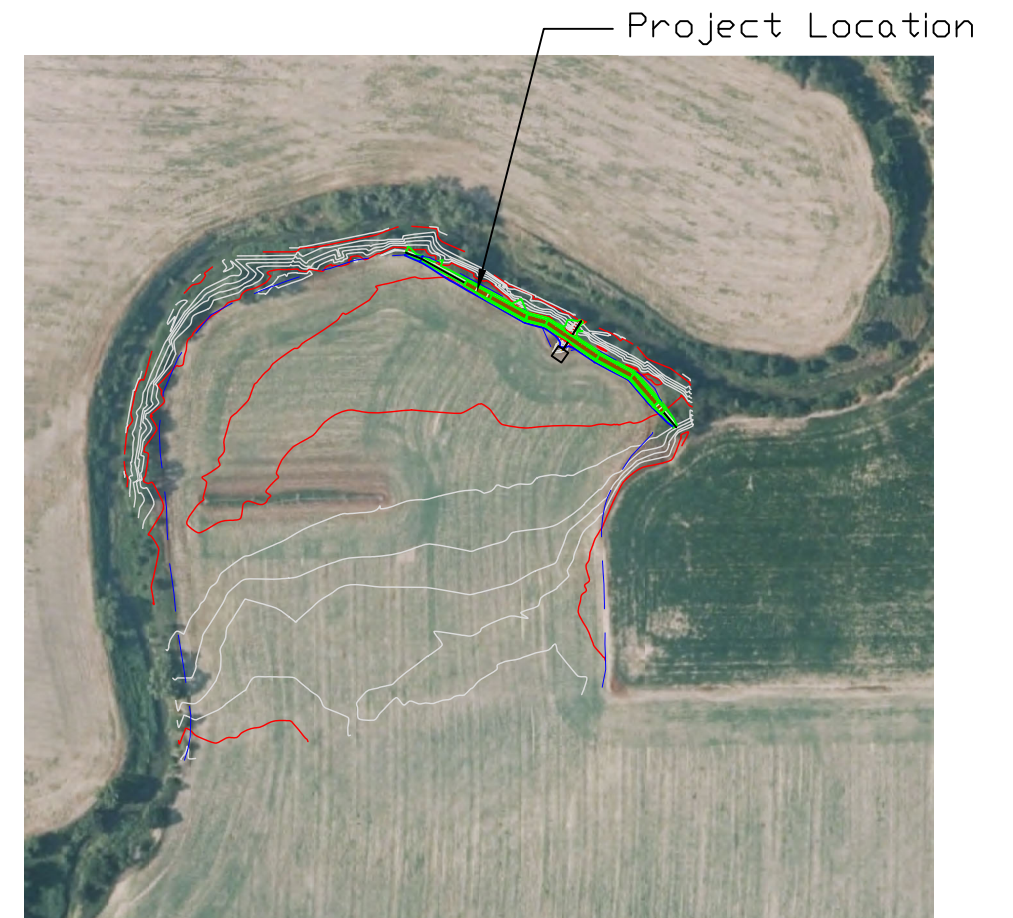
Kansas

Owner: Chris Meyer

Practice: 658 - Wetland Creation

County: Lincoln County, Kansas

Legal: NW 1/4 22-12-10 NE 1/4 21-12-10



1" = 400'

Index to Drawings

Sheet No.	Description
1	Cover Sheet
2	Project Location
3	Plan View
4	Cross Section
5	Profile
	Specifications
	Operation & Maintenance

Item	Unit	Quantity	As Built
<i>658 - Wetland Creation</i>			
Earthfill	C.Y.	980	
Excavation (required for Earthfill)	C.Y.	1323	
Core Trench (Nominal 2')	C.Y.	470	
10" PVC Pipe Min. SDR 35	L.F.	60'	
10' Metal End Section 12" Dia. Min. 16 Ga.	EA.	1	
12" Rodent Guard	EA.	1	
4' Inline Water Control Structure	EA.	1	
Grass Seeding (Refer to KS ECS 4)	AC.	0.50	

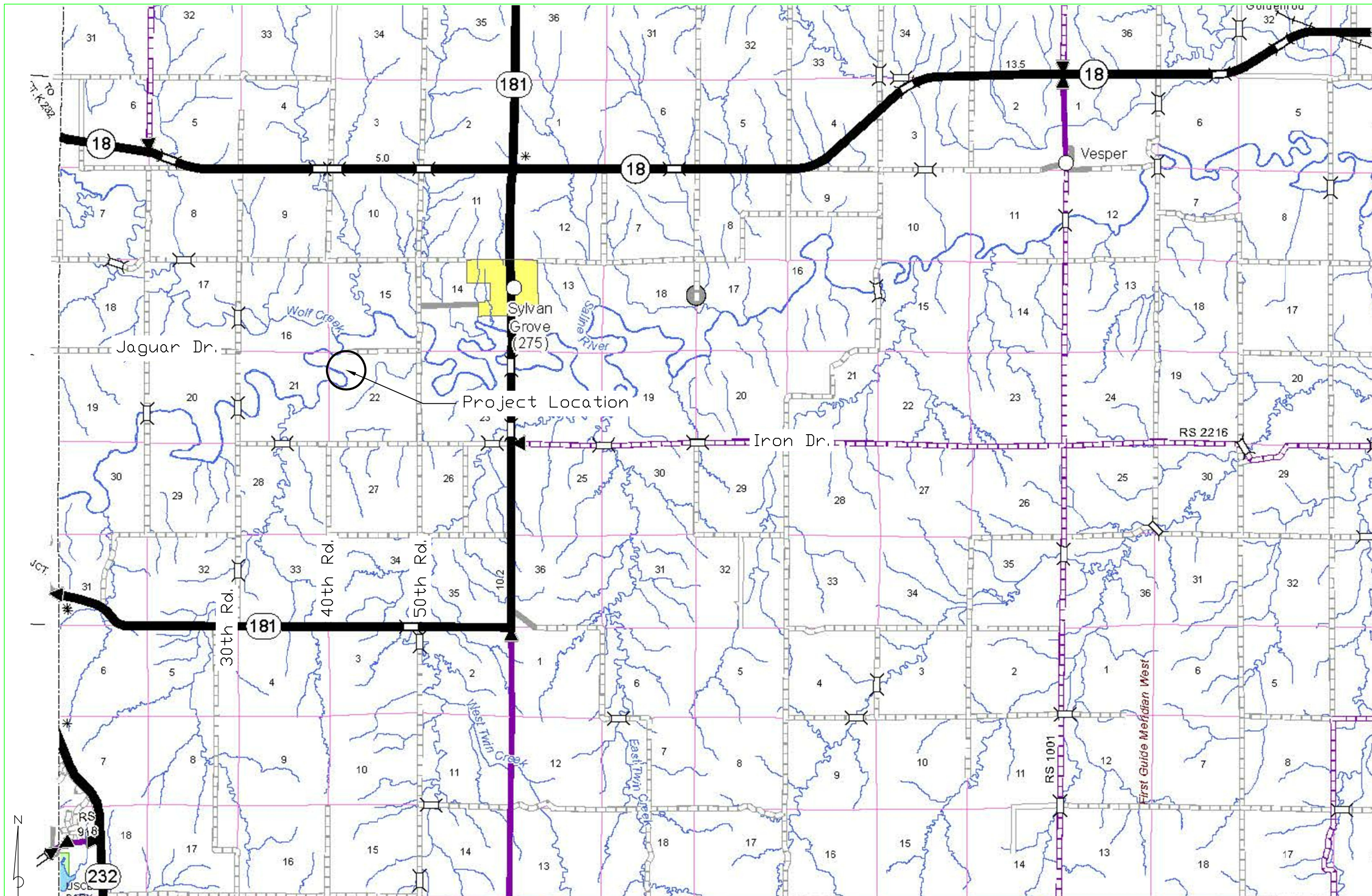
NLS 1-23-20
 Designed by Date

I certify that the plans and detailed specifications for this project were developed in accordance with the policies and procedures of the Natural Resources Conservation Service.

Approved by Date



Before any investigation or construction activity, the excavator is responsible for calling Kansas One-Call at 800-344-7233 (800-DIG-SAFE) or 811



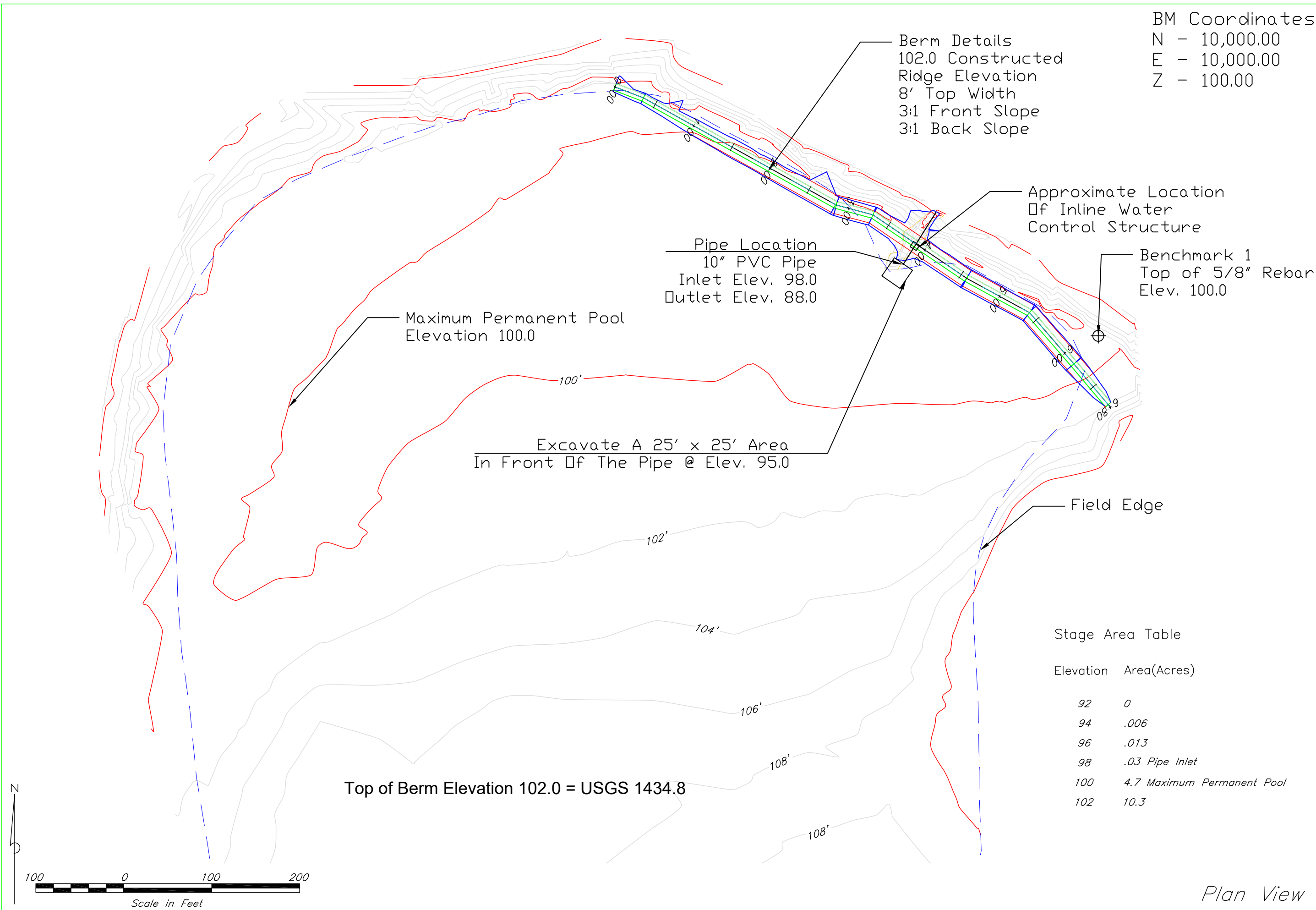
Date	1/20
Designed	NLS
Drawn	NLS
Checked	ajb
Approved	

Chris Meyer
 658 - Wetland Creation
 NW 1/4 22-12-10, NE 1/4 21-12-10
 Lincoln County

United States
 Department of
 Agriculture
USDA
 Natural Resources
 Conservation Service

Drawing Name
 Meyer_1_9_20
 1/23/20 3:47 PM
 Sheet 2 of 5

Project Location



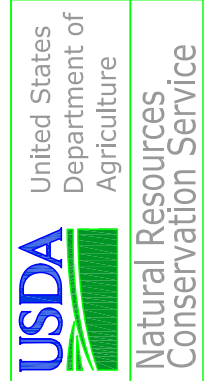
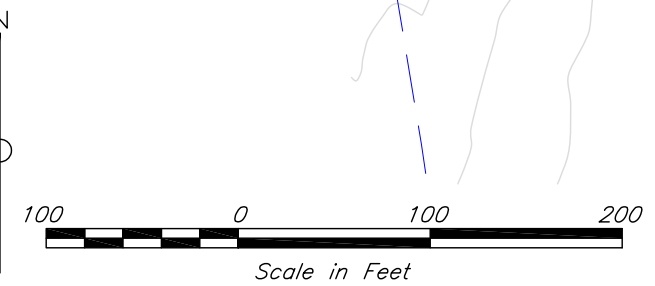
BM Coordinates
 N - 10,000.00
 E - 10,000.00
 Z - 100.00

Designed	NLS	Date	1/20
Drawn	NLS		1/20
Checked	ajb		4/20
Approved			

Chris Meyer
 658 - Wetland Creation
 NW 1/4 22-12-10, NE 1/4 21-12-10
 Lincoln County

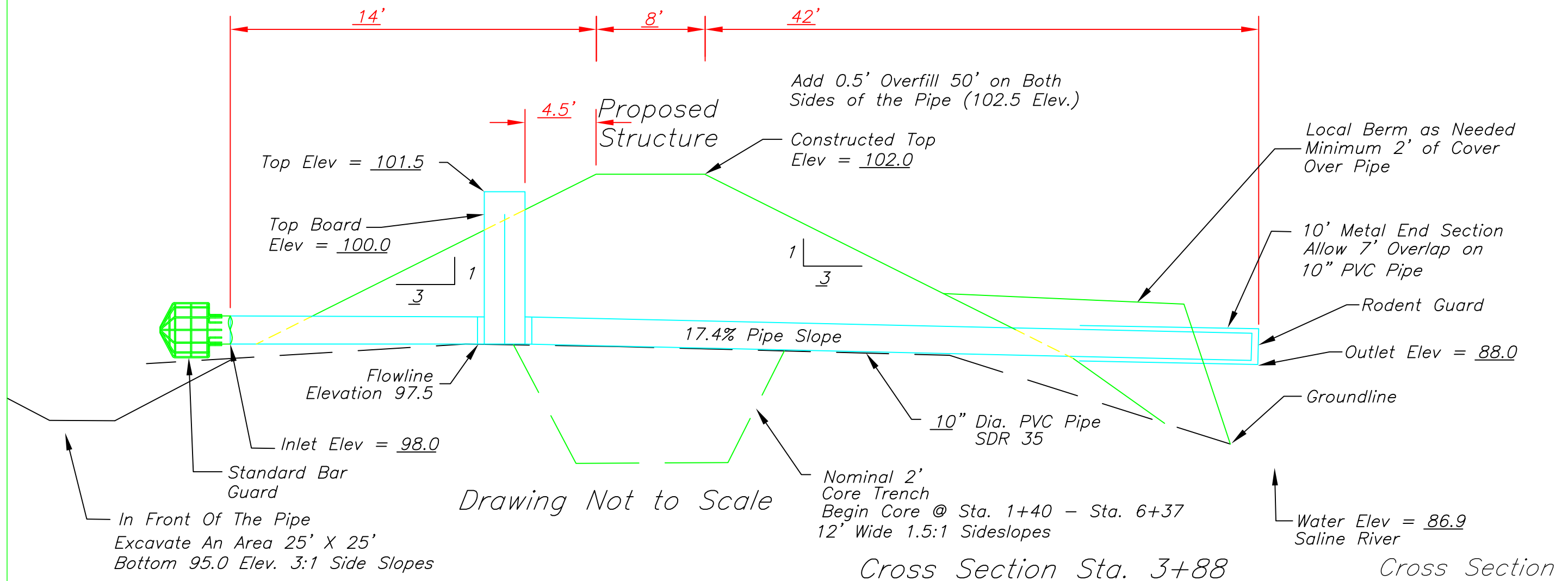
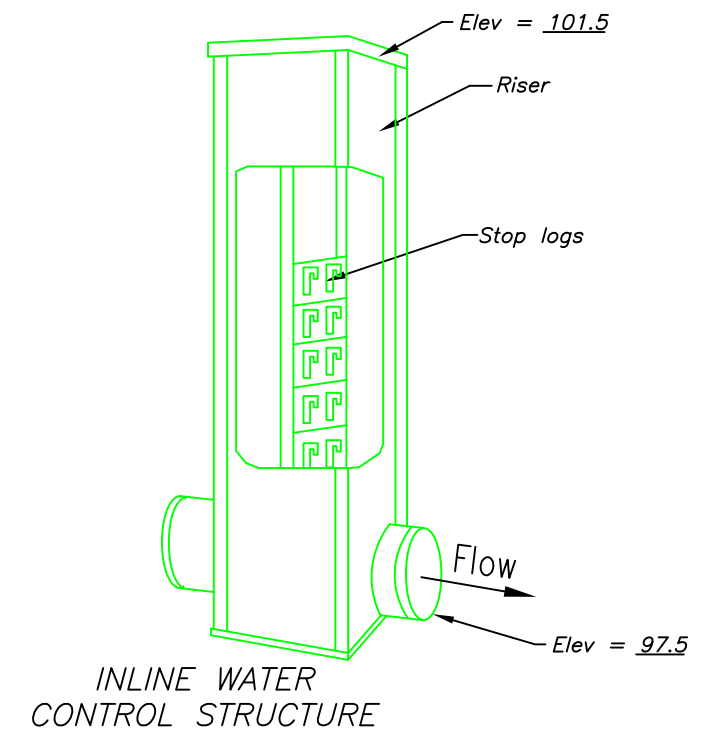
Stage Area Table

Elevation	Area(Acres)
92	0
94	.006
96	.013
98	.03 Pipe Inlet
100	4.7 Maximum Permanent Pool
102	10.3



Drawing Name
 Meyer_1_9_20
 4/9/20 2:10 PM
 Sheet 3 of 5

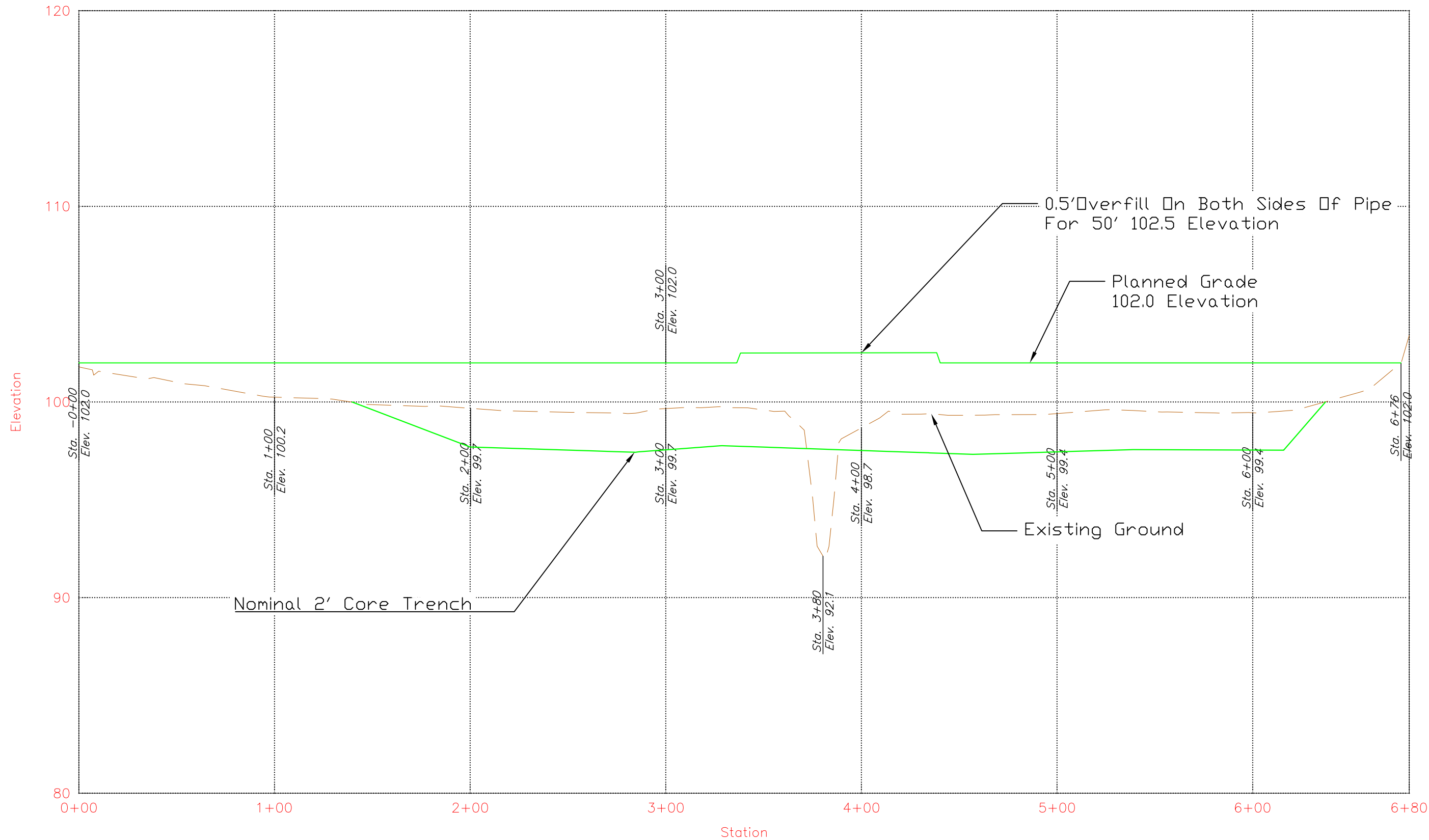
Plan View



Designed	NLS	Date	1/20
Drawn	NLS		
Checked	ajb		
Approved			

Chris Meyer
 658 - Wetland Creation
 NW 1/4 22-12-10, NE 1/4 21-12-10
 Lincoln County

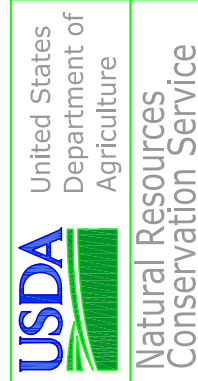




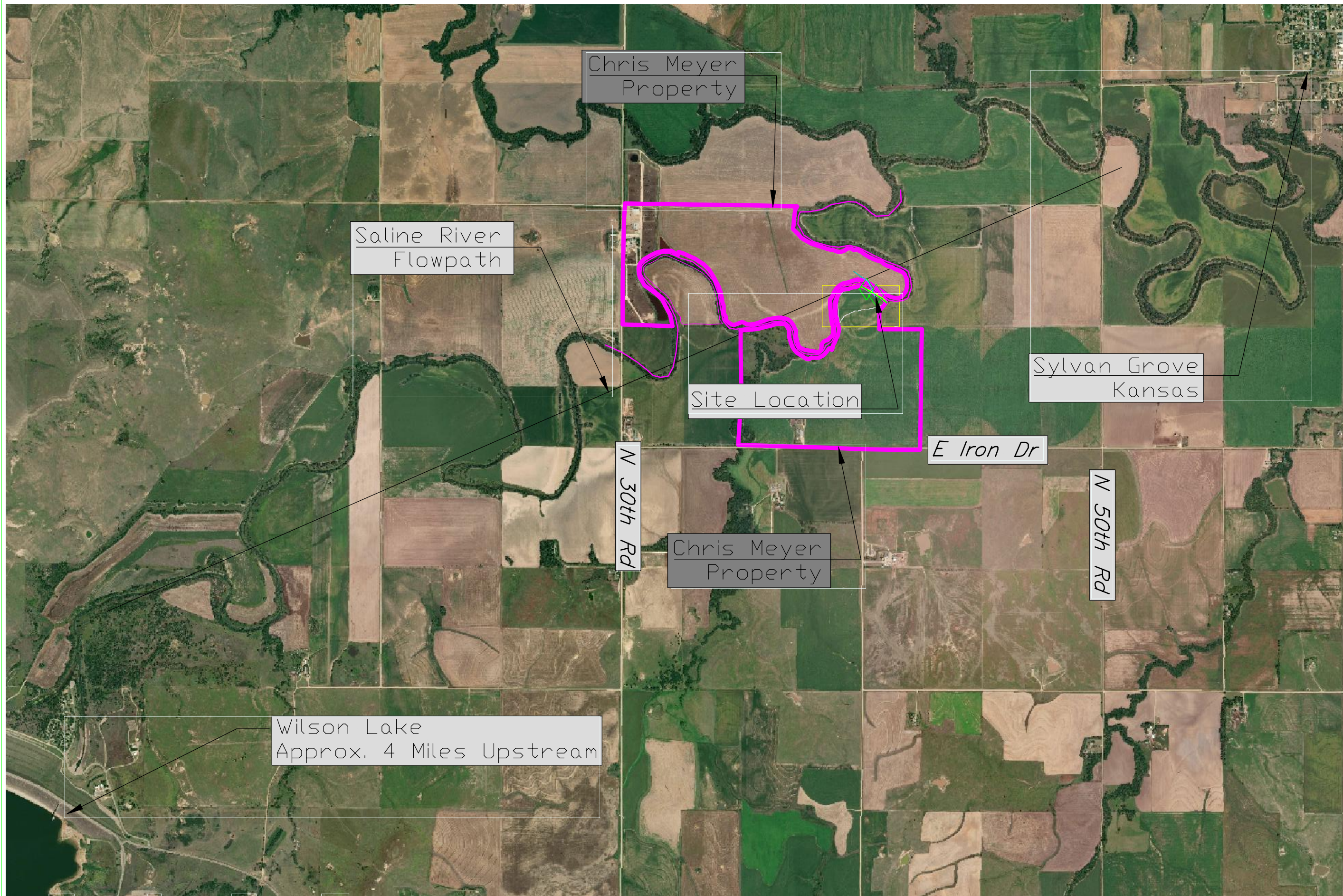
Profile View of Centerline of Structure

Designed	MLS	Date	1/20
Drawn	MLS		1/20
Checked	ajb		4/20
Approved			

Chris Meyer
 658 - Wetland Creation
 NW 1/4 22-12-10, NE 1/4 21-12-10
 Lincoln County



Profile



Designed	<i>nls/ajb</i>	Date	1/20
Drawn	<i>ajb</i>	Checked	5/21
Approved			

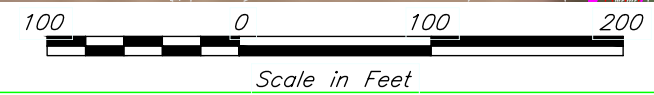
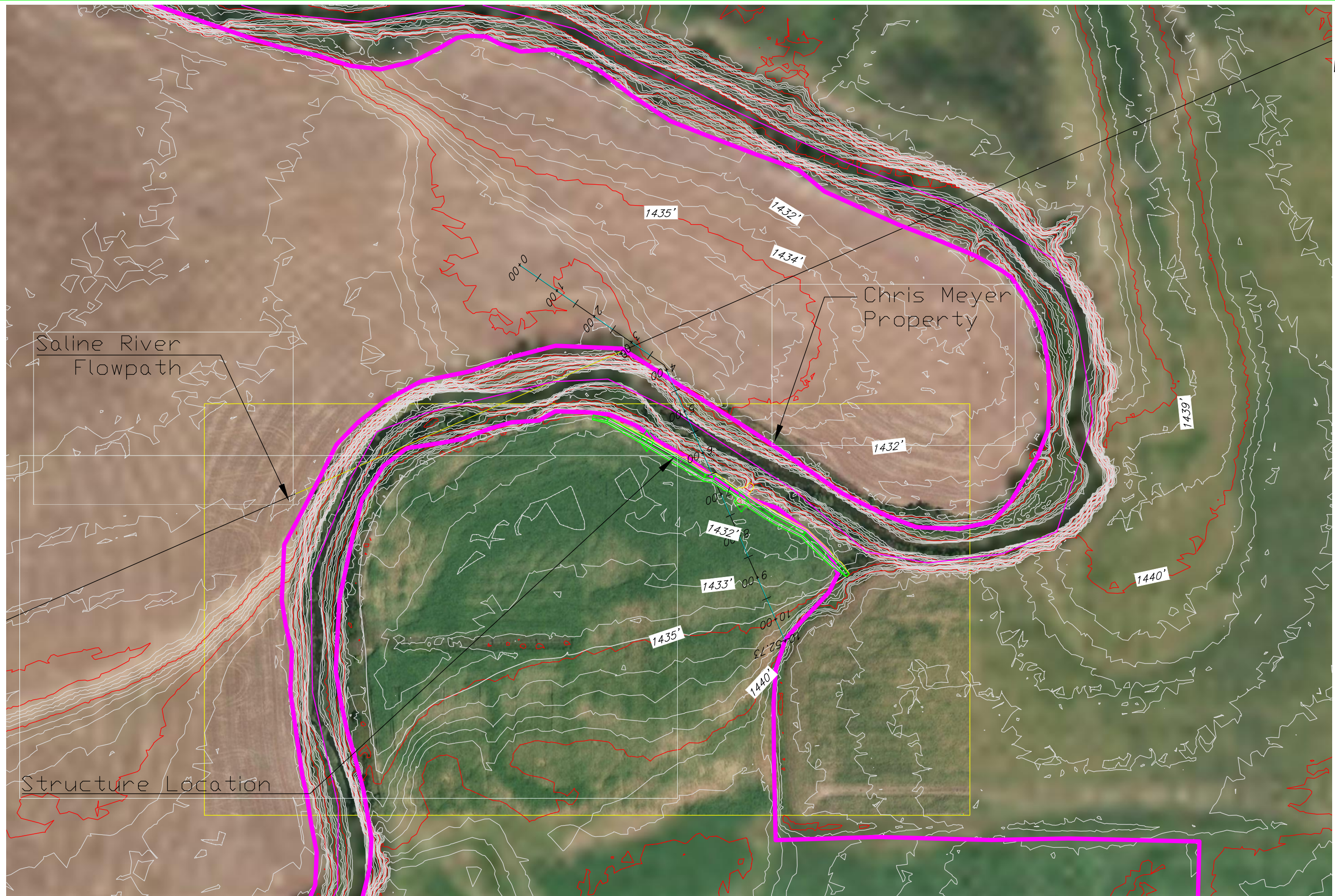
181 Just to East

Chris Meyer
 Wetland Creation - 658
 NW4 22-12-10 & NE4 21-12-10
 Lincoln County



Drawing Name
MeyerWetlandLidar
 5/24/21 2:23 PM
 Sheet 1 of 3

Plan View



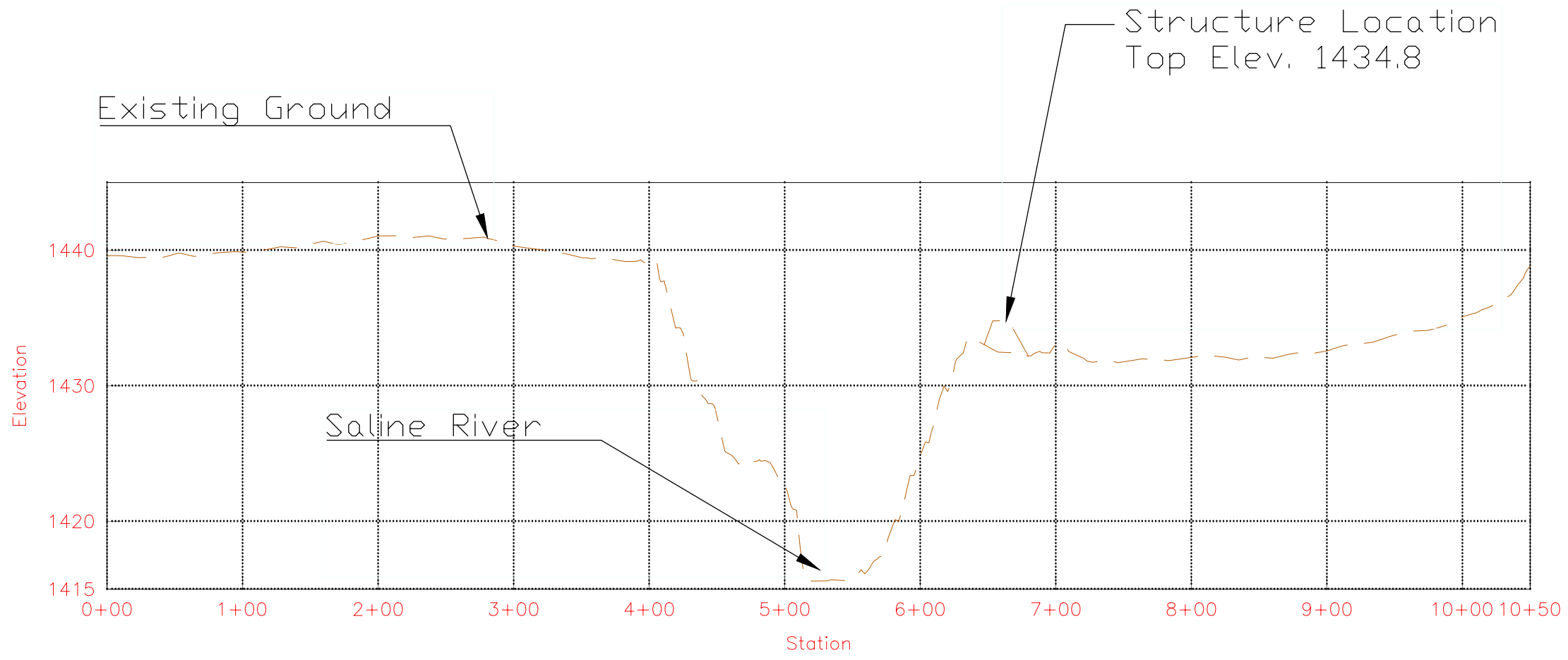
Plan View

Designed	<u>ajb</u>	Date	<u>5/21</u>
Drawn	<u>ajb</u>		<u>5/21</u>
Checked			
Approved			

Chris Meyer
Wetland Creation
NW4 22-12-10 & NE4 21-12-10
Lincoln County



Drawing Name
MeyerWetlandLidar
5/24/21 2:23 PM
Sheet 2 of 3



Profile View of Floodplain Cross Section

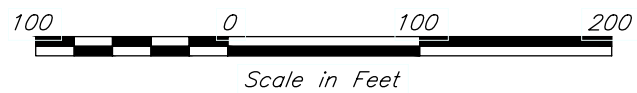


Date 1/20
 Designed nls/ajb
 Drawn ajb
 Checked _____
 Approved _____

Chris Meyer
 Wetland Creation
 NW4 22-12-10 & NE4 21-12-10
 Lincoln County



Drawing Name MeyerWetlandLidar
 5/24/21 2:23 PM
 Sheet 3 of 3



Cross Section of River through Structure

From: Stewart, Kelly [KDA]
Sent: Wed 12/1/2021 3:30 PM
To: Neuhauser, Kris [KDA]
Cc: Billinger, Mark [KDA];Hageman, Nancy
Subject: RE: WR 50400

Kris,

I have no objection to the approval of this application and I think the proposed quantity is sufficient regardless if the wetland is 4.5 or 4.7 acres.

Kelly

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Wednesday, December 1, 2021 3:19 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: RE: WR 50400

Kelly,

Here's an updated memo for 50400. I also attached the plans Janelle sent me – which notes 4.7 surface acres max permanent pool.

What are your thoughts on the proposed quantity? Right now, I have the quantity justification set up in the memo to mirror the supplemental sheet, total is 24.85 AF. It notes 4.5 surface acres in the calculations.

(No NRCS CUA needed via Brent Turney)

Kris

From: Neuhauser, Kris [KDA]
Sent: Tuesday, November 30, 2021 11:29 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: RE: WR 50400

Thanks Janelle! I'll take a look and get that memo finalized and to you soon Kelly.

Kris

From: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Sent: Tuesday, November 30, 2021 11:25 AM
To: Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>; Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: RE: WR 50400

That would certainly work for me. If you tell me that structures is prepared to approve those plans, I will recommend approval of 50,400 once Kris runs the memo by me.

Thanks for the coordination.

Kelly

From: Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>

Sent: Tuesday, November 30, 2021 11:21 AM

To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>

Subject: RE: WR 50400

I can send you the plans that we will approve, will that work?

Janelle Phillips, P.E., CFM
Stream Obstruction Team Lead
Water Structures Program
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
Office:785-564-6656
Cell: 785-307-8292
Janelle.phillips@ks.gov

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>

Sent: Tuesday, November 30, 2021 11:19 AM

To: Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>; Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>

Subject: RE: WR 50400

Kelly and I discussed a while back and decided to hold off on an official recommendation from Stockton for 50400 until you guys were close to ready. Could you send me your approval documents, any maps, etc. you have on your end? I would probably attach them to 50400 in Docuware.

Kris

From: Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>

Sent: Tuesday, November 30, 2021 11:12 AM

To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>

Subject: WR 50400

I am ready to forward our permit to the Chief for signature. Are you ready for WR 50400?

Janelle Phillips, P.E., CFM
Stream Obstruction Team Lead
Water Structures Program
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
Office:785-564-6656
Cell: 785-307-8292
Janelle.phillips@ks.gov

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

MEYER LAND & CATTLE CO
Attn: CHRIS MEYER
PO BOX 305
SYLVAN GROVE, KS 67481-0305

RE: Appropriation of Water, File No. 50,400

Dear Mr. Meyer:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Stockton Field Office at 785-425-6787. If you call, please reference the file number so we can help you more efficiently.

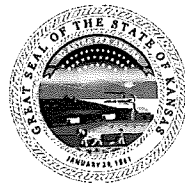
Sincerely,

Kristen A. Baum
New Applications and Changes Supervisor
Division of Water Resources

KAB: kjn: li
Enclosure(s)

pc: Stockton Field Office

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. 50,400** of the applicant

MEYER LAND & CATTLE CO
Attn: **CHRIS MEYER**
PO BOX 305
SYLVAN GROVE, KS 67481-0305

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:

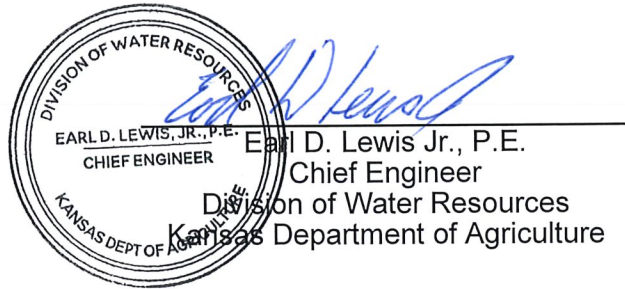
1. That the priority date assigned to such application is **June 8, 2020**.
2. That the water sought to be appropriated shall be used for recreational use in a wildlife marsh located in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 21, and the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 22, both in Township 12 South, Range 10 West, Lincoln County, Kansas, impounded by a structure authorized under Division of Water Resources Structure Permit, LLC-0019.
3. That the authorized source from which the appropriation shall be made is surface water the Saline River to be diverted at a pumpsite located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 21, more particularly described as being near a point 2,020 feet North and 1,070 feet West of the Southeast corner of said section, in Township 12 South, Range 10 West, Lincoln County, Kansas.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **1,500 gallons per minute (3.34 c.f.s.)** and to a quantity not to exceed **24.85 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, 2023** 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, 2027** 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 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 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.
14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
15. 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.
16. That the stream flow shall not be stopped at the first riffle below the point of diversion while diversion is taking place under the authority of this water right or permit.
17. That diversion of natural flows shall not take place unless there is water available to satisfy all demands by senior water rights and permits.
18. 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.

19. That during the period October 1 through June 30, the verbal or written permission of the Chief Engineer, or an authorized representative of the Chief Engineer, shall be obtained in order to divert water each time the applicant desires to divert water.

20. That during the period July 1 through September 30 each calendar year, no direct diversions of surface water shall be permitted unless written permission is obtained from the Chief Engineer, or the Chief Engineer's authorized representative.

Ordered this 13th day of December, 2021, in Manhattan, Riley County, Kansas.



State of Kansas)
County of Riley) SS

The foregoing instrument was acknowledged before me this 13th day of December 2021, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Sheila Mathos
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 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 14th day of December 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,400, dated _____, was mailed postage prepaid, first class, US mail to the following:

MEYER LAND & CATTLE CO
Attn: CHRIS MEYER
PO BOX 305
SYLVAN GROVE, KS 67481-0305

With photocopies to:

Stockton Field Office



Division of Water Resources

Shirley Matrus