

W Chapman Crk
(Smoky Hill)

File No. ~~5040~~ **50540** 15. Formation Code: Drainage Basin: Smoky Hill River County: Ottawa Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm	Quantity af	Rate gpm	Quantity mgy	Overlap PD Files
ENT			88660	SW NE SE	13	9S	2W	1	1637	1155	NF	(REDIV 2500) 150.59	NF	(REDIV 2500) 150.59	NA
CHK											2000		2000		
											IRR	2000	150.59af	2000	150.59af
											STK	2000	9.07mg	0	0
(storage stored by WR, rediversion stored by use)															

18. Storage: Rate **NF** NF Quantity **150.59** ac/ft Additional Rate **NF** NF Additional Quantity **150.59** ac/ft

19. Limitation: ~~24.3~~ **274.3** af/yr at _____ gpm (_____ cfs) when combined with file number(s) **49,548 (Irrigation)**
 Limitation: **22.1 MGY** af/yr at _____ gpm (_____ cfs) when combined with file number(s) **49548 (Stockwater)**

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

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
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	NE ¼	NW ¼	SW ¼	SE ¼						
CHK			67574	24	9S	2W	1																						
ENT			61617	24	9S	2W	2																						
			67617																										

Comments: **LIMITATION: 150.59 AF (9.07 MGY) FOR BOTH IRR AND STK COMBINED**

6/3/2022
KAB

2/25/2022
KJN

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KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: January 27, 2022

FROM: Brandon Milner

RE: Application, File No. 50,540

Robert Cott has filed the application referred to above for a permit to appropriate 150.59 acre-feet of surface water in a proposed reservoir at a rate not to exceed all natural flows of West Chapman Creek. This quantity (150.59) acre-feet of the stored water will then be rediverted at 2,000 gallons per minute for irrigation and stockwater use. The point of diversion is the centerline of a dam located in the Southeast Quarter of Section 13, Township 9 South, Range 2 West, in Ottawa County. The proposed reservoir is located within the Chapman Creek drainage basin and has a capacity of 82 acre-feet. The applicant has signed the application form stating he has access to the point of diversion. The applicant owns the entire place of use, which comprises 211 acres for irrigation and an existing feedlot in the Northwest Quarter of Section 24, Township 9 South, Range 2 West authorized under Water Appropriation no. 49,548.

Runoff calculations determined that there is 7 inches of runoff per acre, and the small drainage area of 254.8 acres will only provide for 150.59 acre-feet of runoff in 1 out of every five (5) years (a 20% chance). Therefore, per K.A.R. 5-6-5, the runoff quantity is the limiting factor, and the application was reduced to this quantity. The proposed direct use quantity of 150.59 acre-feet, is equivalent to 1.84 times the capacity (82 AF), which is well within the normal “rule of thumb” of direct use quantity being no more than 5 times the capacity of the reservoir at normal pool for reasonable storage quantity.

The total quantity of water that will be rediverted (150.59 acre-feet), is less than the maximum allowable to irrigate the proposed 211 acres, based on the allowable quantity for irrigation in Ottawa County of 1.3 AF/acre. However, there is an overlap in the place of use with Water Appropriation File no. 49,548 which is authorized 274.3 acre-feet for irrigation use on 211 acres (1.3 af/acre) and 22.1 million gallons per year for stockwatering use. This application seeks to provide a location to store groundwater from the well on Water Appropriation no. 49,548 and to catch natural flows from West Chapman Creek. This application will be limited to 274.3 acre-feet for irrigation and 22.1 million gallons for stockwater use with Water Appropriation no. 49,548.

Five landowners were identified within one-half ($\frac{1}{2}$) mile of the property lines, and nearby letters were sent out on January 9, 2022, with one response to date. Virgil Vesterberg sent a letter of concern on January 20, 2022, voicing concerns about the loss of natural flows to his two ponds downstream from the proposed reservoir on this application.

The proposed structure was reviewed by DWR Water Structures Program staff and was determined to qualify for a Class A Exemption.

As allowed by K.S.A. 82a-706(c) an approved water flow meter shall be installed on the secondary diversion works (pump site) for this file. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. Since this is a proposed, new reservoir, a Special Condition on the Permit will be needed to provide an initial fill quantity of 62.7 acre-feet (capacity).

The recommendation memo was sent to Kelly Stewart, Water Commissioner, Stockton Field Office, for recommendation on February 2, 2022 and recommended for approval on February 8, 2022. Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water is reasonable, the dam is non-jurisdictional for structures permitting, and senior rights will not be impacted, it is recommended that the referenced new application be approved.

Brandon Milner
Environmental Scientist
New Applications Unit

2/25/2022
KJN

File Name:	PotentialAnnualRunoff_v1.0.xlsx
Author:	D. Engelhaupt
Last Revision:	2-Apr-19
Purpose	Computes potential annual runoff at 20%

Instructions for Use	
	<ol style="list-style-type: none"> 1 Go to sheet <i>Potential Annual Runoff</i> (green) 2 Enter the mean annual precipitation (inches) into cell F3 3 Enter the soil cover complex number into cell F4 4 Enter the basin drainage area (acres) into cell F5 5 Computed potential annual runoff is in cell F6

Sheet Descriptions	
Instructions	This sheet
Potential Annual Runoff	Contains input, computations and outputs potential annual runoff.
CN & Precip - Mean Runoff	Contains a table and plot of soil complex number/annual precipitation vs. mean annual runoff. Computations interpolate from this table.
Mean Runoff - PChnc FIRM	Plot and table of the power curves that approximate the 50, 80 and 90% chance for a given mean annual runoff (inches).

PDFs
Mean Annual Precipitation
Soil Cover Complex

Mean Annual Precip, in	28
Soil Cover Complex No.	77
Drainage Area, acres	254.8
Runoff at 20% Chance, AF	150.59

DO NOT EDIT BELOW

% Chance Firm Coefficients			
	50%	80%	90%
a	0.5317	0.1216	0.0527
b	1.0815	1.2538	1.3547

%Chance Firm	Runoff, in	Comp. Runoff, in
50%	1.96	1.96
80%	0.55	0.54
90%	0.27	0.28
20%		7.09

OW THIS LINE

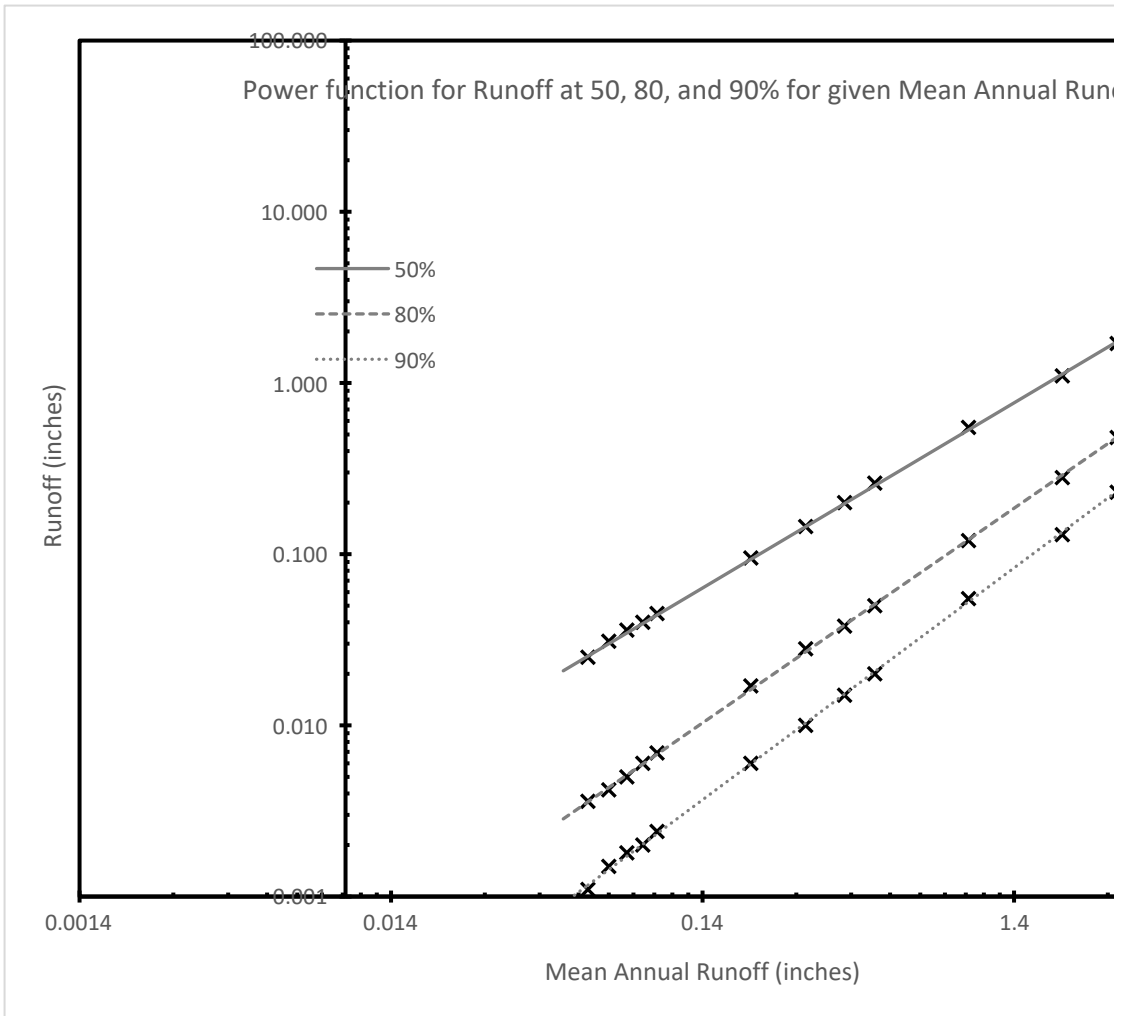
Std. Dev. 90%	1.55
Std. Dev. 80%	1.51
Avg	1.53

Mean annual runoff for CN = 75, inches	3.00
Mean annual runoff for CN = 80, inches	3.87
Interp. Mean annual runoff for CN = 77, inches	3.35

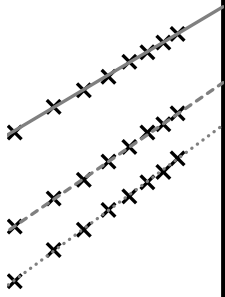
Calculated			
	50%	80%	90%
0.05	0.021	0.003	0.001
0.06	0.025	0.004	0.001
0.07	0.030	0.004	0.001
0.08	0.035	0.005	0.002
0.09	0.039	0.006	0.002
0.1	0.044	0.007	0.002
0.11	0.049	0.008	0.003
0.12	0.054	0.009	0.003
0.13	0.059	0.009	0.003
0.14	0.063	0.010	0.004
0.15	0.068	0.011	0.004
0.16	0.073	0.012	0.004
0.17	0.078	0.013	0.005
0.18	0.083	0.014	0.005
0.19	0.088	0.015	0.006
0.2	0.093	0.016	0.006
0.25	0.119	0.021	0.008
0.3	0.145	0.027	0.010
0.35	0.171	0.033	0.013
0.4	0.197	0.039	0.015
0.45	0.224	0.045	0.018
0.5	0.251	0.051	0.021
0.6	0.306	0.064	0.026
0.7	0.362	0.078	0.033
0.8	0.418	0.092	0.039
0.9	0.474	0.107	0.046
1	0.532	0.122	0.053
1.1	0.589	0.137	0.060
1.2	0.648	0.153	0.067
1.3	0.706	0.169	0.075
1.4	0.765	0.185	0.083
1.5	0.824	0.202	0.091
1.6	0.884	0.219	0.100
1.7	0.94	0.24	0.11
1.8	1.00	0.25	0.12
1.9	1.06	0.27	0.13
2	1.13	0.29	0.13
2.1	1.19	0.31	0.14
2.2	1.25	0.33	0.15
2.3	1.31	0.35	0.16
2.4	1.37	0.36	0.17
2.5	1.43	0.38	0.18
2.6	1.49	0.40	0.19
2.7	1.56	0.42	0.20
2.8	1.62	0.44	0.21
2.9	1.68	0.46	0.22
3	1.74	0.48	0.23
3.1	1.81	0.50	0.24
3.2	1.87	0.52	0.25
3.3	1.93	0.54	0.27
3.4	2.00	0.56	0.28
3.5	2.06	0.58	0.29
3.6	2.12	0.61	0.30

Read from chart			
	Cht. 50%	Cht. 80%	Cht. 90%
0.06	0.025	0.0036	0.0011
0.07	0.031	0.0042	0.0015
0.08	0.036	0.005	0.0018
0.09	0.04	0.006	0.002
0.1	0.045	0.0069	0.0024
0.2	0.095	0.017	0.006
0.3	0.145	0.028	0.01
0.4	0.2	0.038	0.015
0.5	0.26	0.05	0.02
1	0.55	0.12	0.055
2	1.1	0.28	0.13
3	1.7	0.48	0.23
4	2.4	0.7	0.35
5	3	0.9	0.46
6	3.6	1.15	0.6
7	4.4	1.4	0.72
8	5	1.7	0.87
9	5.7	1.9	1
10	6.4	2.2	1.2
20	14	5.2	3

3.7	2.19	0.63	0.31
3.8	2.25	0.65	0.32
3.9	2.32	0.67	0.33
4	2.38	0.69	0.34
4.2	2.51	0.74	0.37
4.4	2.64	0.78	0.39
4.6	2.77	0.82	0.42
4.8	2.90	0.87	0.44
5	3.03	0.91	0.47
5.2	3.16	0.96	0.49
5.4	3.29	1.01	0.52
5.6	3.43	1.05	0.54
5.8	3.56	1.10	0.57
6	3.69	1.15	0.60
6.2	3.83	1.20	0.62
6.4	3.96	1.25	0.65
6.6	4.09	1.30	0.68
6.8	4.23	1.35	0.71
7	4.36	1.39	0.74
7.2	4.50	1.44	0.76
7.4	4.63	1.50	0.79
7.6	4.77	1.55	0.82
7.8	4.90	1.60	0.85
8	5.04	1.65	0.88
8.2	5.18	1.70	0.91
8.4	5.31	1.75	0.94
8.6	5.45	1.81	0.97
8.8	5.59	1.86	1.00
9	5.72	1.91	1.03
9.2	5.86	1.96	1.07
9.4	6.00	2.02	1.10
9.6	6.14	2.07	1.13
9.8	6.28	2.13	1.16
10	6.41	2.18	1.19
10.5	6.76	2.32	1.27
11	7.11	2.46	1.36
11.5	7.46	2.60	1.44
12	7.81	2.74	1.53
12.5	8.17	2.89	1.61
13	8.52	3.03	1.70
13.5	8.87	3.18	1.79
14	9.23	3.33	1.88

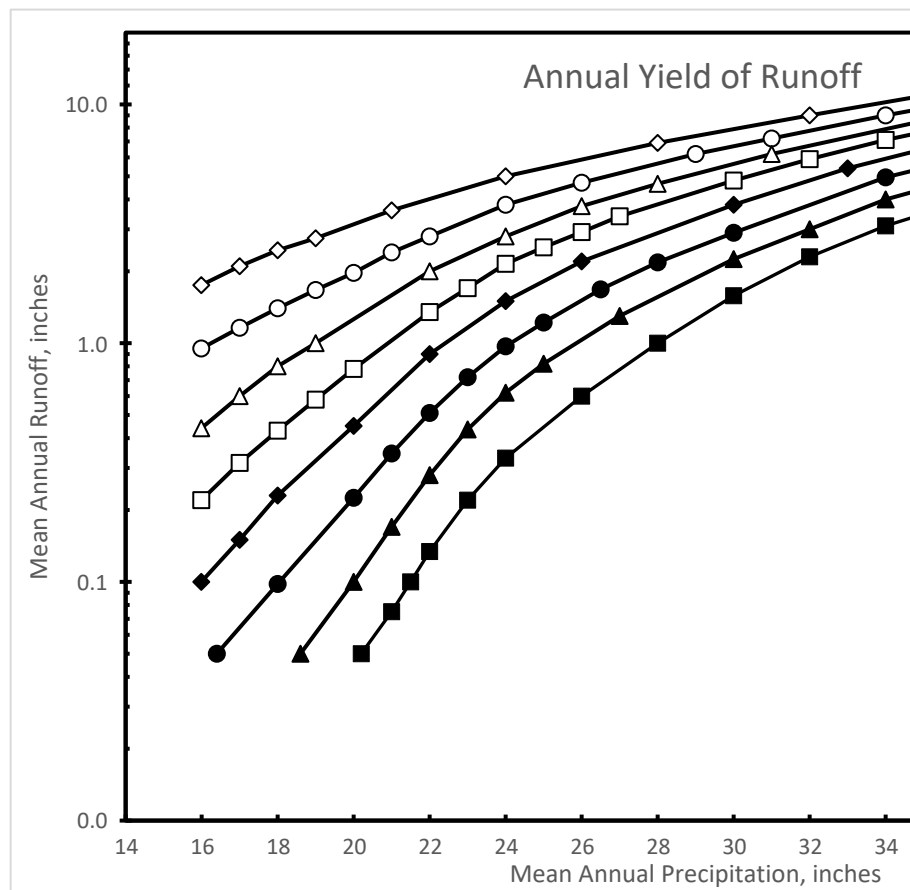


off

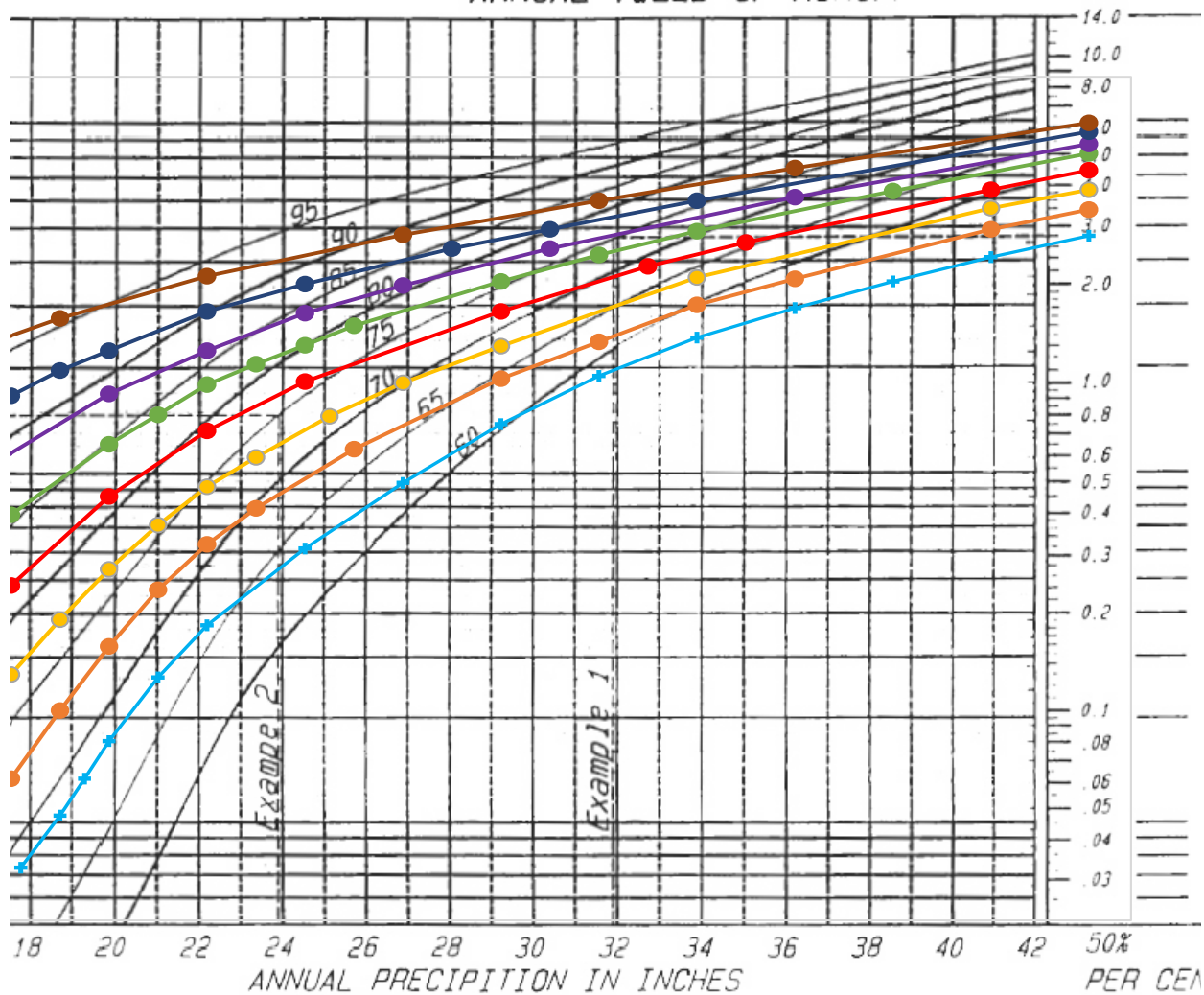


CN

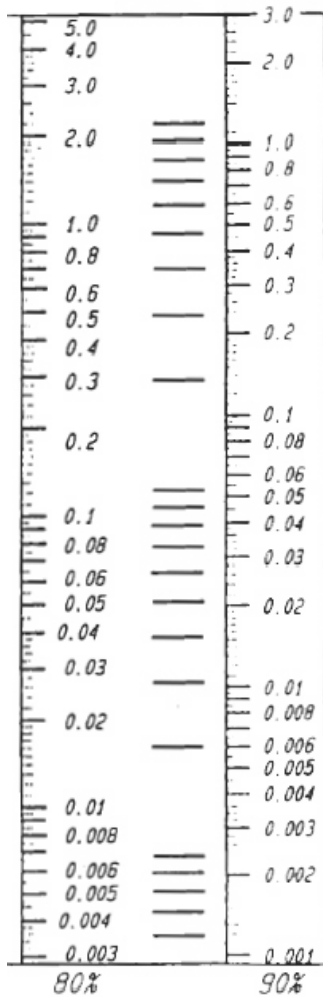
60		65		70		75		80	
20	0.1	19	0.1	16	0.1	16	0.1	16	0.2
21	0.1	20	0.1	18	0.1	17	0.2	17	0.3
22	0.1	21	0.2	20	0.2	18	0.2	18	0.4
22	0.1	22	0.3	21	0.3	20	0.5	19	0.6
23	0.2	23	0.4	22	0.5	22	0.9	20	0.8
24	0.3	24	0.6	23	0.7	24	1.5	22	1.4
26	0.6	25	0.8	24	1.0	26	2.2	23	1.7
28	1.0	27	1.3	25	1.2	30	3.8	24	2.2
30	1.6	30	2.3	27	1.7	33	5.4	25	2.5
32	2.3	32	3.0	28	2.2	35	6.5	26	2.9
34	3.1	34	4.0	30	2.9	40	9.8	27	3.4
36	3.9	36	4.9	34	5.0	42	11.4	30	4.8
38	4.8	40	7.2	40	8.5	44	13.0	32	5.9
40	5.8	42	8.4	42	9.8			34	7.1
42	6.9	44	9.6	44	11.1			38	9.7
44	7.9							42	13.0
								44	14.7



ANNUAL YIELD OF RUNOFF



United States department of agriculture, natural resources conservation service, engineering handbook series, part 650, engineering field handbook.



RUNOFF IN INCHES

KS-2-36

VT CHANCE FIRM

nation

From: Stewart, Kelly [KDA]
Sent: Tue 2/8/2022 11:05 AM
To: Milner, Brandon [KDA]
Cc: Billinger, Mark [KDA];Hageman, Nancy [KDA]
Subject: RE: Memo for 50540

Brandon,

I have no objection to the approval of this application. However, I do want to make a few suggestions/corrections.

1. In paragraph 1 of your memo, you reference the Smoky Hill River drainage basin. Chapman Creek is recognized as its own basin so it should be Chapman Creek.
2. Since this application is proposing two uses of water, should specific quantities be assigned to each use type?
3. We will want to specify that separate water meters are required for each type of use (an irrigation meter and a stockwatering meter).
4. Due to the concerns expressed by the downstream domestic user, Mr. Cott should have the ability to bypass inflows to satisfy any senior water right holders.
5. In the last paragraph of your memo, please change Steward to Stewart.

Kelly

From: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Sent: Wednesday, February 2, 2022 11:57 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Hageman, Nancy [KDA] <Nancy.Hageman@ks.gov>
Subject: Memo for 50540

Good morning Kelly,

Any snow out your way? I measured 3-4 inches here in my area so not terrible. Anyways, I have attached a memo for application no. 50,540 for recommendation. I have had one nearby concern from a downstream owner on January 20, 2022 that is indexed in Docuware. The volume on this application has been reduced to 150.59 acre-feet based on limitation from the drainage basin. This application will have a limitation on irrigation and stockwater use on Water Appropriation No. 49,548. Let me know if there's anything that needs adjusted on the memo for this. Thanks!

Brandon Milner
Environmental Scientist
Water Appropriation Program

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. 50,540** of the applicant

**ROBERT J & JANA L COTT
1977 INDIAN RD
CLAY CENTER KS 67432**

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 **March 18, 2021**.
2. That the water sought to be appropriated shall be used for stockwatering use at a hog facility located in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 24, Township 9 South, Range 2 West, Ottawa County, Kansas; and for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
24	9S	2W					12	39	6	39	39	38	38					211	

3. That the appropriation sought shall be limited to all natural flows of West Chapman Creek (Smoky Hill River), not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **150.59 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13, more particularly described as being near a point 1,637 feet North and 1,155 feet West of the Southeast corner of said section, in Township 9 South, Range 2 West, Ottawa County, Kansas, to provide 150.59 acre-feet of water as needed for direct irrigation use and 9.07 million gallons of water as needed for direct stockwatering use, to be withdrawn, released or otherwise diverted from the reservoir at a re-diversion rate of approximately **2,000 gallons per minute (4.46 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.

4. That the quantity of water approved under this permit is further limited a total quantity not to exceed **150.59 acre-feet (9.07 million gallons)** of water per calendar year when both irrigation and stockwatering use are combined.

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 the owner must provide for an adequate bypass of the dam either by tube, valve, syphon, pump or other acceptable method, over, through, or around the dam to the channel below, when requested by the Chief Engineer, or an authorized representative of the Chief Engineer.
13. That two (2) acceptable water flow meters 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. These water flow meters shall be used to provide an accurate quantity of water diverted for each of the uses of water (irrigation and stockwatering use) 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 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 the quantity of water approved under this permit is further limited to the quantity which combined with Water Appropriation, File No. 49,548, will provide a total not to exceed **274.3 acre-feet** of water per calendar year for irrigation use; and a total not to exceed **22.1 million gallons** (67.7 acre-feet) of water per calendar year for stockwatering use.

Ordered this 7 day of June, 2022, 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 7 day of June, 2022, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman
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

ROBERT J & JANA L COTT
1977 INDIAN RD
CLAY CENTER, KS 67432

June 14, 2022

RE: Appropriation of Water, File No. 50,540

Dear Sir or Madam:

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 acceptable water flowmeter must be installed on the diversion works authorized by this permit prior to using water. 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,

A handwritten signature in cursive script that reads "Kristen A. Baum".

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

KAB:bmm

Enclosure(s)

pc: Stockton Field Office
Kyle Cott
Allegro Farms

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.

CERTIFICATE OF SERVICE

On this 14 day of June, 2022, I hereby certify that the foregoing Approval of Application, File No. 50,540, dated 7 June, 2022, was mailed postage prepaid, first class, US mail to the following:

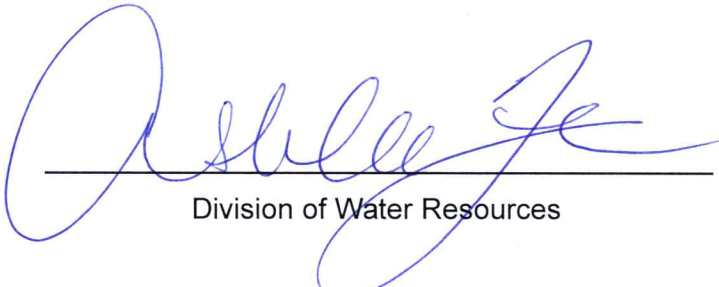
ROBERT & JANA L COTT
1977 INDIAN RD
CLAY CENTER KS 67432

With photocopies to:

ALLEGRO FARMS
970 18TH RD
CLAY CENTER KS 67432

KYLE COTT
1471 15th RD
CLAY CENTER KS 67432

Stockton Field Office



 Division of Water Resources