

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;">50,676</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;">8/3/2022</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">3</p>	4. GMD:
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

6. Enclosures: Check Valve N of C Form Water Tube Driller Copy Meter

<p>7a. Applicant(s) Person ID 68091 New to system <input type="checkbox"/> Add Seq# _____</p> <p style="margin-top: 20px;">DREW CROSSON 1229 WINDMILL RD DELPHOS, KS 67436</p>	<p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>
<p>7b. Landowner(s) Person ID 68092 New to system <input type="checkbox"/> Add Seq# _____</p> <p style="margin-top: 20px;">JAMES ANDREW & KIRSTEN CROSSON 1229 WINDMILL RD DELPHOS, KS 67436</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 style="margin-top: 20px; font-size: 1.2em;">7b</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p style="margin-left: 40px;"><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p style="margin-left: 40px;"><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p style="margin-left: 40px;"><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: 12/31/2023 11. Perfection Date: 12/31/2027 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: _____

7/26/2022
JDK Date Prepared: **6/6/2022** By: **KJN**
 Date Entered: 8/8/2022
LMoody By:

File No. 50,676	15. Formation Code: 330	Drainage Basin: SOLOMON RIVER	County: OT	Special Use:	Stream:																																																																																																						
16. Points of Diversion <div style="text-align: center; color: purple; font-weight: bold; font-size: 1.2em;">BATTERY OF WELLS #2309</div> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">T MOD DEL ENT</th> <th style="text-align: left;">PDIV</th> <th style="text-align: left;">Qualifier</th> <th style="text-align: left;">S</th> <th style="text-align: left;">T</th> <th style="text-align: left;">R</th> <th style="text-align: left;">ID</th> <th style="text-align: left;">'N</th> <th style="text-align: left;">'W</th> </tr> </thead> <tbody> <tr> <td>CHK</td> <td>89144</td> <td>SE NW NW</td> <td>7</td> <td>9S</td> <td>3W</td> <td>1</td> <td>3976</td> <td>3852 (GEO)</td> </tr> <tr> <td>ENT</td> <td>89720</td> <td>SE NW NW</td> <td>7</td> <td>9S</td> <td>3W</td> <td>1</td> <td>3976</td> <td>3862 (1)</td> </tr> <tr> <td>ENT</td> <td>89721</td> <td>SE NW NW</td> <td>7</td> <td>9S</td> <td>3W</td> <td>1</td> <td>3976</td> <td>3842 (2)</td> </tr> <tr> <td>ENT</td> <td>89722</td> <td>SE NW NW</td> <td>7</td> <td>9S</td> <td>3W</td> <td>1</td> <td>3986</td> <td>3852 (3)</td> </tr> <tr> <td>ENT</td> <td>89723</td> <td>SE NW NW</td> <td>7</td> <td>9S</td> <td>3W</td> <td>1</td> <td>3966</td> <td>3852 (4)</td> </tr> </tbody> </table>			T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	CHK	89144	SE NW NW	7	9S	3W	1	3976	3852 (GEO)	ENT	89720	SE NW NW	7	9S	3W	1	3976	3862 (1)	ENT	89721	SE NW NW	7	9S	3W	1	3976	3842 (2)	ENT	89722	SE NW NW	7	9S	3W	1	3986	3852 (3)	ENT	89723	SE NW NW	7	9S	3W	1	3966	3852 (4)	17. Rate and Quantity <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">Authorized</th> <th colspan="3" style="text-align: center;">Additional</th> </tr> <tr> <th style="text-align: center;">Rate gpm</th> <th style="text-align: center;">Quantity af</th> <th style="text-align: center;">Rate gpm</th> <th style="text-align: center;">Quantity af</th> <th style="text-align: center;">Overlap PD Files</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">800</td> <td style="text-align: center;">196.3</td> <td style="text-align: center;">800</td> <td style="text-align: center;">196.3</td> <td style="text-align: center;">none</td> </tr> </tbody> </table>			Authorized		Additional			Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files	800	196.3	800	196.3	none																																	
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20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be installed by _____ Date Acceptable Meter Installed _____																																																																																																											
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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: June 2, 2021

FROM: Kris Neuhauser

RE: New Application,
File No. 50,576

SE1/4 NW1/4 NW1/4 Drew Crosson has filed an application to appropriate groundwater for irrigation use, requesting a quantity of 196.3 acre-feet of water per calendar year, at a diversion rate of 800 gallons per minute from a battery of four (4) wells, with a geocenter located in the Northwest Quarter (NW¹/₄) of Section 7, more particularly described as being near a point **658 feet North** and **4,619 feet West** of the Southeast corner of said section, in Township 9 South, Range 3 West, Ottawa County, Kansas, within the Solomon River drainage basin. The well is sourcing unconfined Dakota formation. The applicant has signed the application form stating that he has legal access to the point of diversion.

3,976 FT N

3,852 FT W

The place of use will be 151 acres in the Northwest Quarter (NW¹/₄) of Section 7, Township 9 South, Range 3 West, Ottawa County, Kansas. The requested quantity of 196.3 acre-feet matches the maximum reasonable quantity for irrigation in Ottawa County.

$$151 \text{ acres} \times 1.3 \text{ acre-feet per acre} = 196.3 \text{ acre-feet}$$

Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer (unconfined Dakota), which provided an area of consideration of 8,042 acres. With a potential annual recharge of 2.5 inches, and 75% of recharge available for appropriation, safe yield was determined to be 1,256.64 acre-feet. Existing water rights have appropriated 130 acre-feet, providing a difference of 1,126.64 acre-feet available for appropriation, and the application requesting 196.3 acre-feet complies with safe yield.

No domestic wells within ½ mile were identified by the applicant, and review of the WWC-5 database and aerial photography back this claim. Therefore, no nearby notification letters are required.

The closest non-domestic well is just under a mile away, authorized by Water Right, File No. 16,415. The closest domestic well is roughly 4,300 feet away. Therefore, according to K.A.R. 5-4-4, the required well spacing is not met.

In an e-mail conversation on June 6, 2022, Kelly Stewart, Water Commissioner of the Stockton Field Office, recommended approval of the application.

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

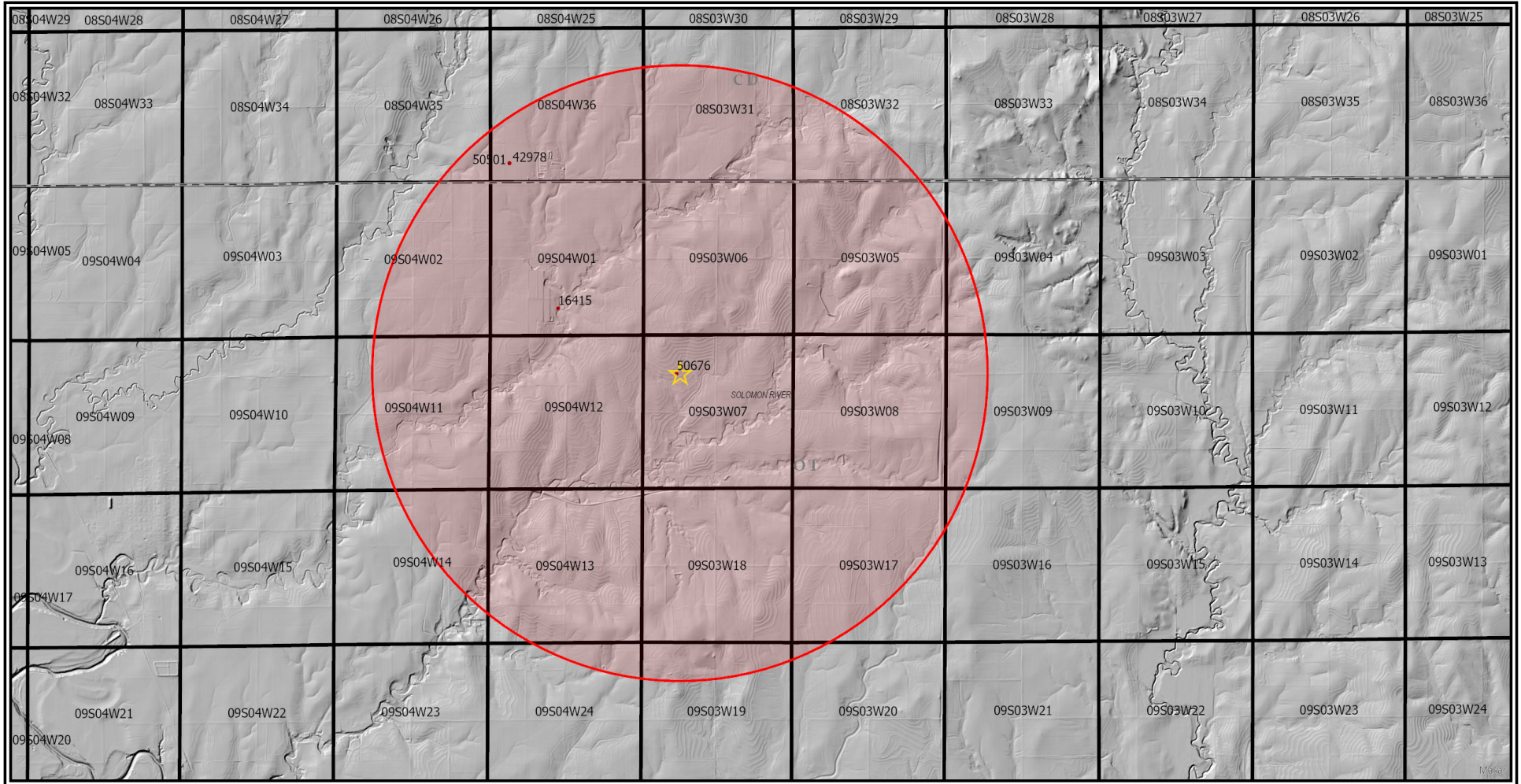
K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

Based on the above discussion, the area is open to new appropriations, the application complies with safe yield and well spacing criteria, and 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.

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
New Applications Lead
Water Appropriation Program

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 00-00S-00
Footages from SE corner- 3,976 feet North 3,852 feet West



Analysis Results

50676 PASSES SY*

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

The safe yield based on the variables listed below is 1,256.64 AF.

Total prior appropriations in the circle is ~~386.30 AF~~ **130 AF**

Total quantity of water available for appropriation is ~~870.34 AF~~

1256.64 AF - 130 AF = 1126.64 AF AVAILABLE*

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 2.5 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 01-JUN-2022 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 4 water rights and 3 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 16415 00	IRR	NK	G		NE	SE	SW	949	2945	01	09	04W	2	WR	70.00	70.00	60.00	60.00
A 42978 00	IRR	NK	G			NC	SW	658	4619	36	08	04W	6	WR	60.00	60.00	40.00	40.00
A 50501 00	IRR	AY	G			NC	SW	658	4619	36	08	04W	6	WR	60.00	60.00	40.00	0.00
A 50676 00	IRR	AY	G				NW	3960	3960	07	09	03W	1	WR	196.30	196.30	151.00	151.00

From: Stewart, Kelly [KDA]
Sent: Mon 6/6/2022 9:32 AM
To: Neuhauser, Kris [KDA]
Cc: Billinger, Mark [KDA];Hageman, Nancy [KDA]
Subject: RE: 50676 recommendation request

Kris,

I recommend approval of this application. Its nice to have one that's straight forward.

Kelly

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Friday, June 3, 2022 9:16 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Means, David [KDA] <David.Means@ks.gov>
Subject: 50676 recommendation request

Morning Kelly,

Attached is 50676 for you review and recommendation. Unconfined Dakota – passes SY easily. Meets spacing requirements and no nearby's required. 50501 is in the area of consideration, but is set to be dismissed. Had that dismissal drafted up for quite a while, looks like it finally made its way through our final review folder. Guessing Lane should sign it next week. I'll be sure it's done prior to 50676 moving.

PU is broken down to 151 acres in the NW ¼ 7-9S-3W, but map shows full 160 acres. Do you per chance have a more detailed map showing that 151 acres David?

If you need anything else let me know. Thanks!

Kris Neuhauser

New Applications Lead

Kansas Department of Agriculture, Division of Water Resources

Phone: 785-564-6643

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. 50,676** of the applicant

**DREW CROSSON
1229 WINDMILL RD
DELPHOS, KS 67436**

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 **November 5, 2021**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7	9S	3W					36.5	39	39	36.5									151

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells, with a geographical center located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE¼ NW¼ NW¼) of Section 7, more particularly described as being near a point 3,976 feet North and 3,852 feet West of the Southeast corner of said section, in Township 9 South, Range 3 West, Ottawa 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 **196.3 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 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 this permit is further limited such that all wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply, and shall supply water to a common distribution system.

Ordered this 3 day of August, 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 3 day of August, 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

August 16, 2022

DREW CROSSON
1229 WINDMILL RD
DELPHOS, KS 67436

RE: Appropriation of Water, File No. 50,676

Dear Mr. Crosson:

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
Enclosure(s)

pc: Stockton Field Office
James Andrew & Kirsten Crosson

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 16 day of August, 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,676, dated 3 August 2022 was mailed postage prepaid, first class, US mail to the following:

DREW CROSSON
1229 WINDMILL RD
DELPHOS, KS 67436

With photocopies to:

JAMES ANDREW & KIRSTEN CROSSON
1229 WINDMILL RD
DELPHOS, KS 67436

Stockton Field Office


Division of Water Resources