NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

1320 Research Park Drive Manhattan, KS 66502 785-564-6700 www. agriculture.ks.gov



WATER RESOURCES RECEIVED

AUG 12022 900 SW Jackson, Room 456 173 Topeka, KS 66612 KS DEPT OF AGRICULTURE 785-296-3556

LMoody

Mike Beam, Secretary

Laura Kelly, Governor

File Number	50838
This item to be completed	by the Division of Water Resources.

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application (Please refer to Fee Schedule attached to this application form.)

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502:

1.	Name of Applicant (Please	Print): BERRY BROTHERS FA	RMS LLC	
	Address: 1624 N 70TH RE)		
	City: MINNEAPOLIS		State KS	Zip Code <u>67467</u>
	Telephone Number: (785	392-0436		
2.	The source of water is:	surface water in		
			(stre	am)
	OR	groundwater in SALT CR	EEK/SOLOMON (drainag	e basin)
	when water is released to subject to these regulation	s have minimum target flows es from storage for use by water ns on the date we receive your e Division of Water Resources.	assurance district me	embers. If your application is
3.	The maximum quantity of	water desired is 522.6 a	cre-feet OR	gallons per calendar year,
	to be diverted at a maxim	um rate of 800 gallons	per minute OR	cubic feet per second.
	requested quantity of warequested maximum rate	s been assigned a priority, the rater under that priority number of diversion and maximum qual are in agreement with the Divis	can NOT be increa antity of water are a	sed. Please be certain your ppropriate and reasonable for
4.	The water is intended to b	e appropriated for (Check use into	ended):	
	(a) Artificial Recharge	(b) Irrigation (c)	Recreational	(d) Water Power
	(e) Industrial	(f) Municipal (g)	Stockwatering	(h) Sediment Control
	(i) Domestic	(j) Dewatering (k)	Hydraulic Dredgir	ng (I) Fire Protection
	(m) Thermal Exchange	e (n) Contamination Reme	diation	
		ATTACH ADDITIONAL DIVISION OF QUEST FOR THE AMOUNT OF WATE		
O	ice Use Only: B GMD Meets K.A.R. RE3	5-3-1 (YES (NO) Use IRR 5	Cource G S County Receipt Date	LC By ALB Date 8/2/22 Check # 2503
	DWR 1-100 (Revised 05/17/	2019)		8/8/2022

***60 DAY TO LOCATE

Near the center of the South half of section 19 or near the center of the North half of section 660' 2640' in Section 19 OR 4620', 2640' in Section 30

File No. _____

		North half of Section
5.	The lo	ocation of the proposed wells, pump sites or other works for diversion of water is:
GEO-CE		For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.
	(A) (One in the quarter of the quarter of the quarter of Section 19 OR 30, IndVILIC
		particularly described as being near a point 4479 feet North and 2647 feet West of the SoutherstNE
8/15/202 BMM		corner of said section, in Township 10 South, Range 05 WEST, LINCOLN Ottawa County, Kansas.
	150	One in the quarter of the quarter of the quarter of Section, more particularly
		described as being near a point feet North and feet West of the Southeast corner of said
	S	section, in Township South, Range East/West (circle one), County, Kansas.
		One in the quarter of the quarter of the quarter of Section, more particularly
		described as being near a point feet North and feet West of the Southeast corner of said
	8	section, in Township South, Range East/West (circle one), County, Kansas.
	(D) (One in the quarter of the quarter of the quarter of Section, more particularly
	C	described as being near a point feet North and feet West of the Southeast corner of said
	5	section, in Township South, Range East/West (circle one), County, Kansas.
	minute A batt than f pump	in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per e per well. Itery of wells is defined as two or more wells connected to a common pump by a manifold; or not more four wells in the same local source of supply within a 300 foot radius circle which are being operated by s not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a non distribution system.
6.		wner of the point of diversion, if other than the applicant is (please print):
0.		RON K & GALEN HOLTHAUS TRUSTS 1375 PONY EXPRESS HWY MARYSVILLE, KS 66508
	<u> </u>	(name, address and telephone number)
	•	(name, address and telephone number)
	lando	nust provide evidence of legal access to, or control of, the point of diversion from the landowner or the wner's authorized representative. Provide a copy of a recorded deed, lease, easement or other nent with this application. In lieu thereof, you may sign the following sworn statement:
		I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct. Executed on
	The '	applicant must provide the required information or signature irrespective of whether they are the
	lando	wner. Failure to complete this portion of the application will cause it to be unacceptable for filing and oplication will be returned to the applicant.
7.	The p	roposed project for diversion of water will consist of BATT OF 4 WELLS
	•	(number of wells, pumps or dams, etc.) VILL BE completed (by) 2023
	anu v	(Month/Day/Year - each was or will be completed)

WATER RESOURCE RECEIVED
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8.	The first actual application of water for the proposed beneficial use wa	File No.
	at the proposed beneficial use wa	as or is estimated to be 2022

WATER RESOURCES RECEIVED

	File No.	
9.	Vill pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diver- vorks?	sion
	Yes No If "yes", a check valve shall be required.	
		nts.
10.	you are planning to impound water, please contact the Division of Water Resources for assistance, pricubmitting the application. Please attach a reservoir area capacity table and inform us of the total acreurface drainage area above the reservoir.	
	lave you also made an application for a permit for construction of this dam and reservoir with the Divisio Vater Resources? Yes No	n of
	If yes, show the Water Structures permit number here	
	If no, explain here why a Water Structures permit is not required	
11.	the application <u>must</u> be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed howing the following information. On the topographic map, aerial photograph, or plat, identify the center section, the section lines or the section corners and show the appropriate section, township and raumbers. Also, please show the following information:	er of
	a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or or diversion works) should be plotted as described in Paragraph No. 5 of the application, showing North-South distance and the East-West distance from a section line or southeast corner of section.	
	b) If the application is for groundwater, please show the location of any existing water wells of any limit within ½ mile of the proposed well or wells. Identify each existing well as to its use and furnish the national and mailing address of the property owner or owners. If there are no wells within ½ mile, please address.	ame
	c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstre and ½ mile upstream from your property lines must be shown.	eam
	d) The location of the proposed place of use should be shown by crosshatching on the topographic maerial photograph or plat.	nap,
	e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the p of diversion to the place of use.	oint
	A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and ra numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrer Kansas 66047.	
2.	ist any application, appropriation of water, water right, or vested right file number that covers the saiversion points or any of the same place of use described in this application. Also list any other recondifications made to existing permits or water rights in conjunction with the filing of this application.	
	HERE ARE TWO APPLICATIONS IN THIS PACKAGE TO OVERLAP PROPOSED PLACE OF USE	
	OTH WILL BE LIMITED IN QTY BY OTHER APPLICATION	
	WATER RESCURCES RECEIVED	

AUG 1 2022

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	File No.	
* REQUEST 60 DAYS TO PROVIDE TEST HOLE DATA		

WATER RESCUEDES
RECEIVED

AUG 1 2022

KS DEPT OF ACRICUMTURES

4	The relationship of the applicant to the propos	end place v	where the wate	ur will be used i	s that of	
4.	The relationship of the applicant to the propos TENANT (owner, tenant, agent or otherwise)	sed place v	vhere the wate	er will be used is	s that of	
	,					
5.	The owner(s) of the property where the water	is used, if	other than the	applicant, is (p	lease print):	
5.					please print):	
5.			other than the		olease print):	
5.	(name, addre	ess and tele		er)	olease print):	
5.	(name, addre (name, addre The undersigned states that the information s	ess and tele ess and tele set forth at	ephone numbe	er)		e and
	(name, addre (name, addre The undersigned states that the information sthat this application is submitted in good faith.	ess and tele ess and tele set forth at	ephone numbe	er) er) the best of his		e and
	(name, addre (name, addre The undersigned states that the information s	ess and tele ess and tele set forth at	ephone numbe	er) er) the best of his		
	(name, addre (name, addre The undersigned states that the information sthat this application is submitted in good faith.	ess and tele ess and tele set forth at	ephone numbe	er) er) the best of his	her knowledge	
	(name, addre (name, addre The undersigned states that the information sthat this application is submitted in good faith. Dated at	ess and tele ess and tele set forth at	ephone numbe	er) er) the best of his	her knowledge	
	(name, addre (name, addre The undersigned states that the information sthat this application is submitted in good faith.	ess and tele ess and tele set forth at	ephone numbe	er) er) the best of his	her knowledge	
6.	(name, addre (name, addre The undersigned states that the information sthat this application is submitted in good faith. Dated at	ess and tele ess and tele set forth at	ephone numbe	er) er) the best of his	her knowledge	
	(name, addre (name, addre The undersigned states that the information sthat this application is submitted in good faith. Dated at	ess and tele ess and tele set forth at	ephone numbe	er) er) the best of his	her knowledge	
6.	(name, addre (name, addre The undersigned states that the information sthat this application is submitted in good faith. Dated at	ess and tele ess and tele set forth at	ephone numbe	er) er) the best of his	her knowledge	
6.	(name, addre (name, addre The undersigned states that the information sthat this application is submitted in good faith. Dated at	ess and tele ess and tele set forth at	ephone numbe	er) er) the best of his	her knowledge	

WATER RESOURCES RECEIVED
AUG 1 2022

File No.

KS DEPT OF AGRICULTURE

FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE	
0-100 101-320	\$200.00 \$300.00	
More than 320	\$300.00 plus \$20.00 for each add	itional 100
Word than 626	acre-feet or any part ther	

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

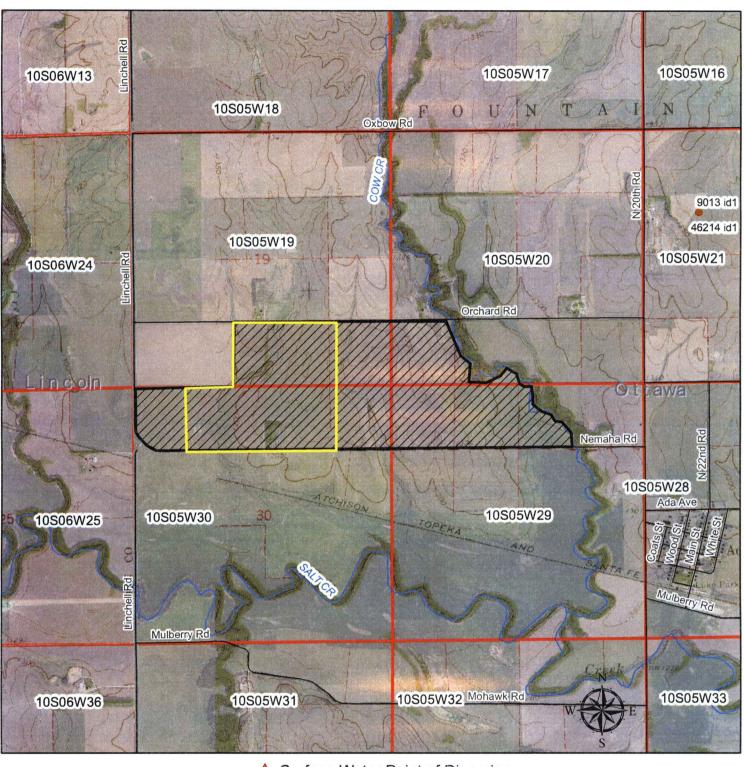
CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

WATER RESOURCES RECEIVED

New Application Groundwater





Proposed Place of Use

Test Hole Exploration Area

Surface Water Point of Diversion

Groundwater Point of Diversion

1:24,000

Signature Required

By signing this I am stating that to the best of my knowledge that all wells within 1/2 mile of proposed well words identified on this map.

DEPT OF AGRICULTURE

IRRIGATION USE SUPPLEMENTAL SHEET

							Fi	le No											
			Nan	ne of	Appli	cant (Pleas	e Prir	nt): <u>C</u>	OLB	Y BE	RRY	Be	3	Bra	othe	5	Fari	nsLLC
			ly the	nam	e and	addr	ess o	f each	land	lowne	r, the	legal	desc	riptio	n of	the la	nds to		rrigated, and
Land	lowne	er of I	Recor		NAM											((50)	·····		
				ADI	JKES	is: <u>13</u>	/3 PC	JNI	EAPR	Œ33	HWI	MAI	(15)	/ILLI	2, NS	66508			
S	T	R	NIE		E1/4	ar	NIE		W1/4	gr.	NIE		V1/4	or.	NIE		E1/4	GE.	TOTAL
19	10S	05W	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE 18	NE	NW	SW 40	SE 40	98
20	10S	05W											38	8					46
30	10S	05W	40	40			40	38											158
29	10S	05W		20			40	40											100
Land	lowne	er of I	Recor	ADI	NAM DRES												21/		
S	T	R	NE	NW	E¼ SW	SE	NE	NW	N ¹ / ₄ SW	SE	NE	NW	V¼ SW	SE	NE	NW	SW	SE	TOTAL
			NL	1111	5,11	J.L	NE	I VII	511	J.L	NL	1444	511	J.E	INE	1111	511	J.L	
Land	lowne	er of l	Recor	d :	NAM	E:													
				ADI	DRES	SS:													
S	Т	R			E1/4				W ¹ / ₄				V1/4				Ε1/4	_	TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
-																			
																	WAT	ERF	ESOURCES
																		KL(CEIVED

DWR 1-100.23 (7/7/2000)

			neets as needed.	n for the description of	the operation for the irr	igation project. Attach
a.	Indi	icate the	e soils in the field(s) and th	neir intake rates:		
			Soil	Percent	Intake	Irrigation
		N	ame	of field	Rate	Design
	C		234	(%)	(in/hr)	Group
	0	cary	Sit Loan	<u>aranon</u> 59.1	0.2-0.6	
	G	retes	of Loan	0 18.5	0.06-0.2	<u> </u>
	C	OXXX	y silt Loam	7.6	0.6-2	
	U	1	Bilty Clay loam	<u> </u>	0.2-0.6	<u> </u>
	11	टत्रव्य T	otal:	100 %	0,60	
L	Trati				3	
b.	Esti	mate in	e average land slope in the		<u> </u>	
	Esti	mate th	e maximum land slope in	the field(s):	%	
c.	Тур	e of irri	gation system you propos	e to use (check one):		
	<u>X</u>	C	enter pivot	Center pivot	- LEPA	"Big gun" sprinkler
		G	ravity system (furrows)	Gravity syste	em (borders)	Sideroll sprinkler
	Oth					
		•				
d.	Sys	tem des	ign features:			
	i.	Descr	ibe how you will control t	ailwater: TILLAGE, S	SOIL MOISTURE MO	NITORIN
	ii.	For sp	orinkler systems:			
		(1)	Estimate the operating p	pressure at the distributi	on system: 35	_ psi
		(2)	177	1 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2		
		(2)	What is the sprinkler pa	ckage design rate? 800	gpm	
		(3)	What is the wetted diam	neter (twice the distance	the sprinkler throws w	ater) of a sprinkler on
			the outer 100 feet of the	system?	fact	
			the outer 100 feet of the	system:	icci	
		(4)	Please include a copy of	f the sprinkler package	design information.	
e.			intend to irrigate. Please	note any planned crop	rotations: CORN, SO	YBEANS, MILO,
	ALI	ALFA	, WHEAT			
f.	Plea	se desc	ribe how you will determi	ne when to irrigate and	how much water to apr	oly (particularly
	imp	ortant if	f you do not plan a full irri	gation). SOIL MOIST	TURE	, 1

You may attach any additional information you believe will assist in informing the Division of the need for your

request.

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Application File No. Minimum Desirable Streamflow I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies. I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met. I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water. I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above Signature of Applicant I hereby certify that the foregoing instrument was signed in my presence and sworn to Notary Public

Re:

_____, 2022_.

My Commission Expires: 7/16/24

before me this 27 day of July

Kansas Department of Agriculture Division of Water Resources Earl D. Lewis, Jr., Chief Engineer

1320 Research Park Drive Manhattan, Kansas 66502

referenced application.

State of Kansas

County of Ottown

STACY KLEIN Notary Public - State of Kansas My Appt. Expires

> 1 2022 AUG

MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)

Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

WATER RESOURCES RECEIVED

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER	50838				· ·		•	
APPLICANT PERSON ID & SEQ #		89729	PDIV I	D		***************************************	BATTERY	/ ID
68401								
		.•						
						_		
.								
	· ·	•						
LANDOWNER PERSON ID & SEQ #	•	70968	PUSE I	ID				•
68532		70969		•				
		70970						
		70971						
								
WATER USE CORRESPO	ONDENT		·					•
PERSON ID & SEQ #								
68401								
				•	,			
,								
								

Old Farmstead Shafer W

IRRIGATION TEST WELL

Driller & As	sistant:	Tom Hu	ll Jr/Chip Ellis			Date:	8/2/22			
CUSTOME	R:	Colby B	ierry			PHONE #:	785 392	0436		
MAIL ADD	RESS: IL	o Qu	N JOT	Rd	Mi	mego	بحناد	KS	1074107	
DRILL LOC	ATION:	2 west	of Ada, ks			_ ,	,		•	
☐ Screen 2-1/2" ☐ Holeplug ☐ Casing 2-1/2" ☐ Quarters ☐ Couplings, 2-1/2" ☐ Water ☐ End Caps, 2-1/2" ☐ Lime ☐ Gravel Pack ☐ Drilling Mud					☐ Gas & Oil - W.T. ☐ 6" or 5" Liner if needed ☐ Solvent & Glue ☐ 2-1/2" PVC Tee ☐ Water Sample Bottle ☐ 5" & 6" Bits ☐ Inspection Sheet ☐ Packing					
Depth:	Formation	1:				Well Informa	ation:	Daniel de la company de la com		
0-1	T.S.					Static Water	Level:	est 20-25		
1-35	Clay					Groundwater depth: est 35				
35-52	creek gravel course with fine sand					Est. Production:				
52-56	shale, grey					Casing Size/	Depth:	200'-0'	1" PVC	
56-59	shale, gre	y with tra	ice of coal					ana en		
59-75	shale, weathered, dark grey					Screen Size/	Depth:	220'-200'	1" PVC	
75-128	sandstone	, fine/so	ft some small	shale strea						
128-133	cemented sandstone					Slot Size:		Market School and the Section of the	•	
133-140	shale, weathered, grey					Grouting De	pth:	20'-0'		
140-150	sandstone, fine/medium hardness					Number of E	Bags:	1 bag ben	itonite	
150-175	shale, hard with iron pyrite layers					Sucker Rods:				
175-220	sandstone, fine/medium hardness					1" Casing:				
						Nearest Contai	mination:	none withir	n 1/4 mile	
			A			Notes:				
Latitude:	39.158996	5		N decima	degrees	(ex. 38.8817	'96)			
Longitude	-97.92030	7		W decima	l degrees	(ex. 95.3738	89)			
Datum:	□ NAD27		83 🗌 WGS84	4						
Elevation: \3\2 ft. \$ \10 \frac{90}{200.00}										
					\$ 500	00	/Grout			
Sec. 30 T 10 R 5 (W) \$ County O+COO \$ N \$					\$	/Submersible Pump				
N					\$ -					
			8/12/		\$	· · · · · · · · · · · · · · · · · · ·	/Water	Sample / T	est Pumping	
	<u> </u>	<u> </u>			ς -	/Mobilization/Travel				
			Water	Resources	\$\$ -	/Discount				
W	E Received				Contract Received: 5/9/2022					
	KS Dept Of Agriculture									
	S				Date Mailed:					
Permit #:					Well Data		Access:	S	can:	
WWC5 #:		was producted.		***	Materials	: 🗸	Incent:			

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 29, 2022

BERRY BROTHERS FARMS LLC 1624 N 70TH RD MINNEAPOLIS KS 67467

RE: Application, File No(s). 50838

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) for a permit to appropriate water for beneficial use. Your application(s) has been assigned the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at <u>agriculture.ks.gov/divisions-programs/dwr</u>. If you have any other questions, 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,

Kris Neuhauser

New Applications Lead

Water Appropriation Program

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

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August 29, 2022

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Sincerely,

Kris Neuhauser

New Applications Lead

Water Appropriation Program