

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;">50,727</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;">6/29/2023</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">03</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

7a. Applicant(Landowners) Person ID **67639**
New to system Add Seq# _____

GRAUERHOLZ FARMS LLC
737 BIRCH RD
HARDY, NE 68943

7b. Landowner(s) Person ID 52880 _____
New to system Add Seq# _____

DANA A GRAUERHOLZ
403 N 4TH ST
SAINT MARYS, KS 66536

7c. Landowner(s) Person ID 52881 _____
New to system Add Seq# _____

DEANNA WITTSTRUCK
4840 L ST
OMAHA, NE 68117

7d. Landowner Person ID 67640 _____
New to system Add Seq# _____

SANDRA BRADEN
933 E 1938 RD
EUDORA, KS 66025

8. WUR Correspondent Person ID _____
New to system Add Seq# _____
Overlap File (s) WUC Notarized WUC Form
Agree Yes No
7a

9. Use of Water: Changing? Yes No

Groundwater Surface Water

IRR REC DEW MUN

STK SED DOM CON

HYD DRG WTR PWR ART RECHRG

IND SIC: _____ OTHER: _____

10. Completion Date: 12/31/2024 11. Perfection Date: 12/31/2028 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? Yes No Date to Comply: _____ Date WLMD Installed: _____

Date Prepared: 6/27/23 By: BMM
Date Reviewed: 6/28/2023 By: KAK
Date Entered: 7/3/2023 By: LMoody

File No. **50,727** 15. Formation Code: 146 Drainage Basin: Republican River County: RP 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 af	Overlap PD Files
MOD			89307	NE SE SW	6	1S	4E	2	1017	3638	800	320	800	320	NA

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? Yes No To be installed by **12/31/2024** Date Acceptable Meter Installed _____

21. Place of Use																		Total	Owner	Chg? NO	Overlap Files							
MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼								
								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			70228	6	1S	4W	1					40	40	40	40	40	40	30							270	7b,7c,7d	N	NA

Comments:

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

TO: Files

DATE: June 27, 2023

FROM: Brandon Milner

RE: Application, File Nos. 50,727

Grauerholz Farms has filed the referenced new application to appropriate 104.27 million gallons (320 acre-feet) of groundwater from one well at a rate of 800 gallons per minute for irrigational use. The proposed well will be located in the Southwest Quarter Section 6, Township 1 South, Range 4 West, Republic County. The place of use is owned by the applicant and applicant has signed the application form stating they have access to the point of diversion.

The applicant identified two domestic wells and one water application within one-half mile of this point of diversion but all wells are owned by the applicant's family. The nearest non-domestic well is just within one half mile away, and the nearest domestic well is roughly 1,200' away as all wells are owned by the applicant or family. The point of diversion meets minimum well spacing criteria to all existing wells per the requirements in K.A.R. 5-4-4.

The well proposed under this application shows a fine sand was encountered at roughly 6' below ground surface, and it extended to a depth of 23' feet, whereas sand and gravel was encountered from 20' to the total depth of 97' where a layer of Shale was encountered. The likely source of the aquifer for this application is the Belleville Formation.

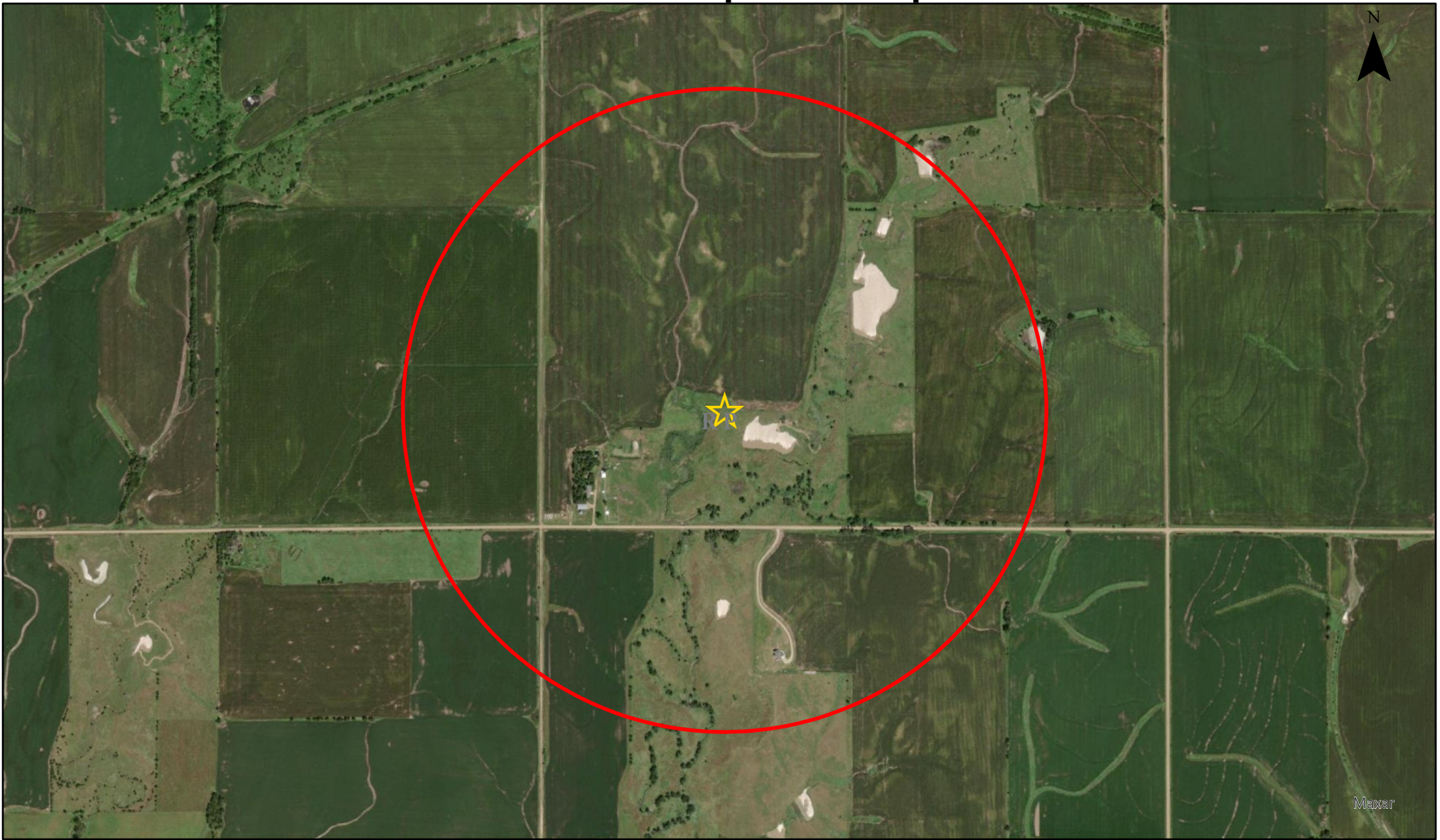
The aquifer for this application is the Belleville system based off well logs as run by an analysis by John Munson. With a potential recharge of 2.6 inches, with 100% available for appropriation the area of recharge was determined to be 5,763 acres with a total recharge value of 1249 acre feet. Existing appropriations total 379 acre-feet, leaving 870 acre-feet available for appropriation, thus the application complies with safe yield criteria. The application is requesting to irrigate 270 acres with 320 acre feet of water which is reasonable for the irrigation of row crops in Republic county at 1.19 acre/feet per acre.



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.

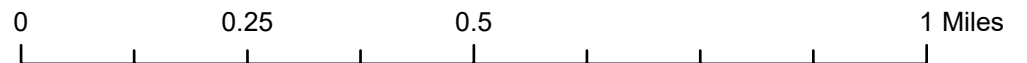
The application was sent for consideration to Kelly Stewart Water Commissioner, Stockton Field Office on June 27th, 2023. Based on the above discussion, well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced new application be approved.

Brandon Milner
Environmental Scientist
Manhattan Headquarters

50727 Updated Map



 50727 PD
 1/2 Radius



All wells within a half mile of the proposed point of diversion have been shown.

Signature _____

Date _____

From: Stewart, Kelly [KDA]
Sent: Tue 6/13/2023 7:53 AM
To: Munson, John [KDA];Billinger, Mark [KDA]
Cc: Milner, Brandon [KDA];Means, David [KDA]
Subject: RE: Safe Yield in the Belleville formation

That looks good to me John. Thanks for running those.

Kelly

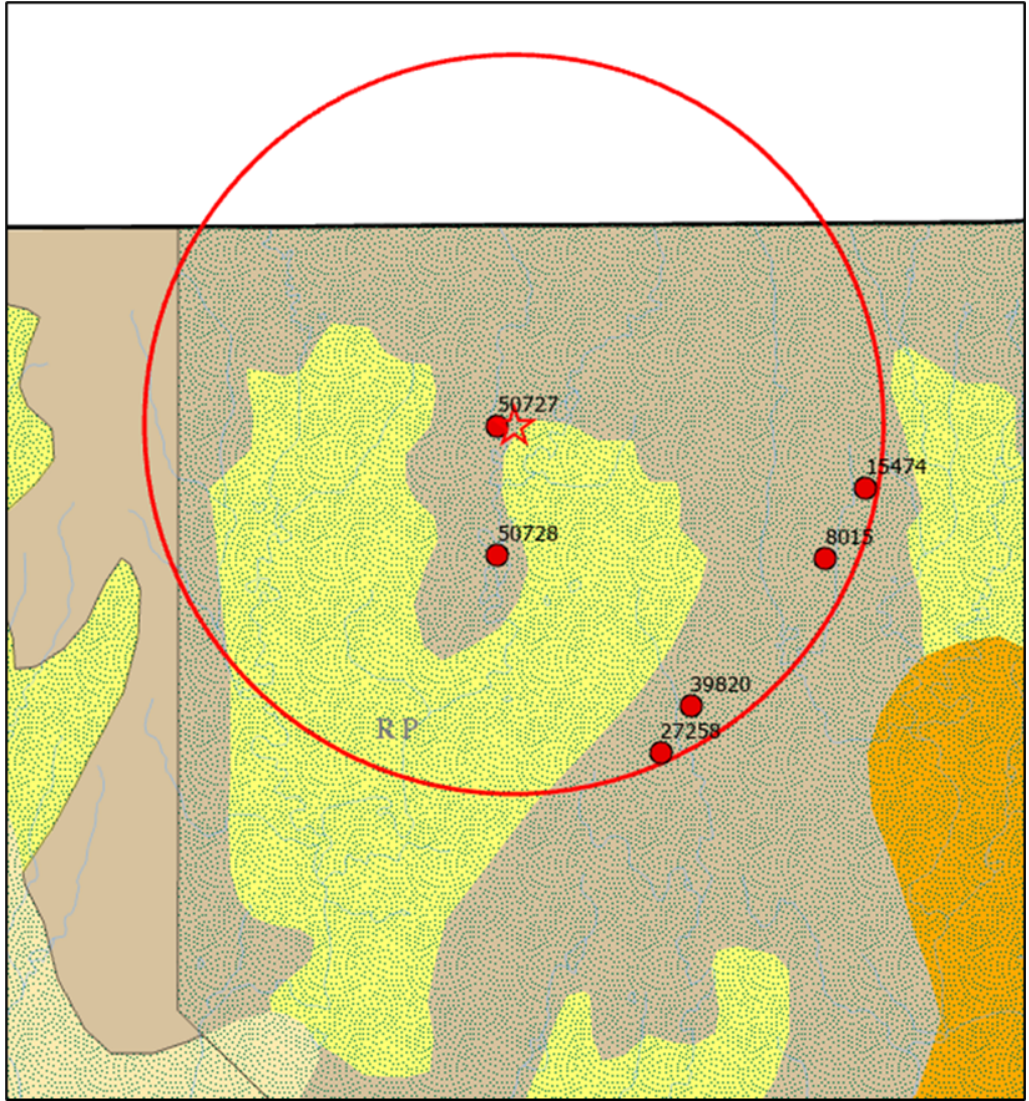
From: Munson, John [KDA] <John.Munson@ks.gov>
Sent: Monday, June 12, 2023 4:34 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Cc: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>; Means, David [KDA] <David.Means@ks.gov>
Subject: RE: Safe Yield in the Belleville formation

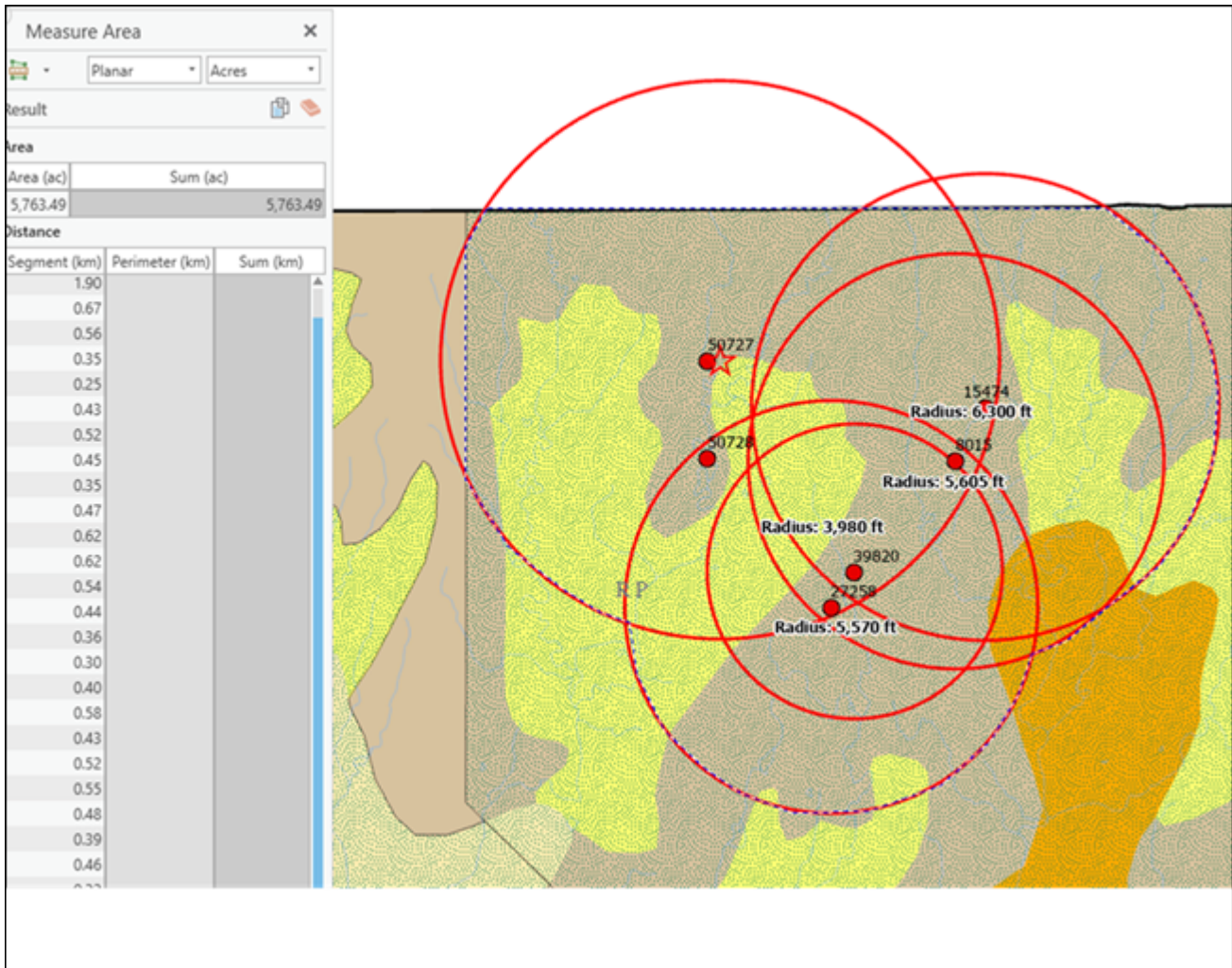
Hi Kelly and Mark,

It looks to me that both File No. 50,727 and 50,728 meet the Belleville formation safe yield. I will briefly describe the analysis and show results.

1. Using $T = 190,000$ gpd/ft and $S = 0.15$ for the Belleville formation This drawdown was computed using the proposed 800 gpm and 320 acre-ft to determine the radius of influence at 0.1 foot drawdown. If the quantity pumped at the given rate could be pumped in less than 60 days, then a 60 day rate or a rate it takes to pump the quantity for a 60 day period would be use. For both File No. 50,727 and 50,728 the 0.1 foot drawdown radius is 7,500 feet. The 7,500 feet 0.1 ft drawdown circle was drawn to plot the radius of influence are the proposed wells. Both proposed well locations are the locations of the test hole logs that Brandon said are the proposed locations, not the original plots in WRIS. The are shown as red stars on the maps instead of the where the file number is show.
2. Existing prior water rights in the 7,500 feet radius of influence were used for further analysis. A 0.1 foot drawdown radius was determined for each of the senior water rights and those radii were used to compute the circles for each of those wells and drawn to show the overlapping recharge areas. Just the area in Kansas and the area in the Belleville formation boundary is used.
3. The total area is computed to determine the total recharge area for the proposed well and wells in the proposed circle.
4. Precipitation recharge at 2.6 inches per year for that area at 100% is computed to determine the recharge quantity.
5. The total recharge quantity minus the present prior water rights determines if water is available at that location as proposed.
6. Since water was available for File No. 50,727 it was assumed to be approved when computing existing water rights for File No. 50,728.

File No 50,727 and wells in 0.1 ft drawdown radius from File No. 50,727	Quantity of Water per year	60 day GPM or GPM for Quantity if exceeds 60 days	T=190,000 gpd/ft or 25,400 ft ² /d radius for Theis 0.1 ft drawdown distance
File No. 50,727	320 acre-ft	800 gpm	7,500 feet
File No. 8,015	97 acre-ft	366 gpm	5,600 feet
File No. 15,474	123 acre-ft	464 gpm	6,300 feet
File No. 27,258	96 acre-ft	362 gpm	5,550 feet
File No. 39,820	63 acre-ft	238 gpm	3,980 feet

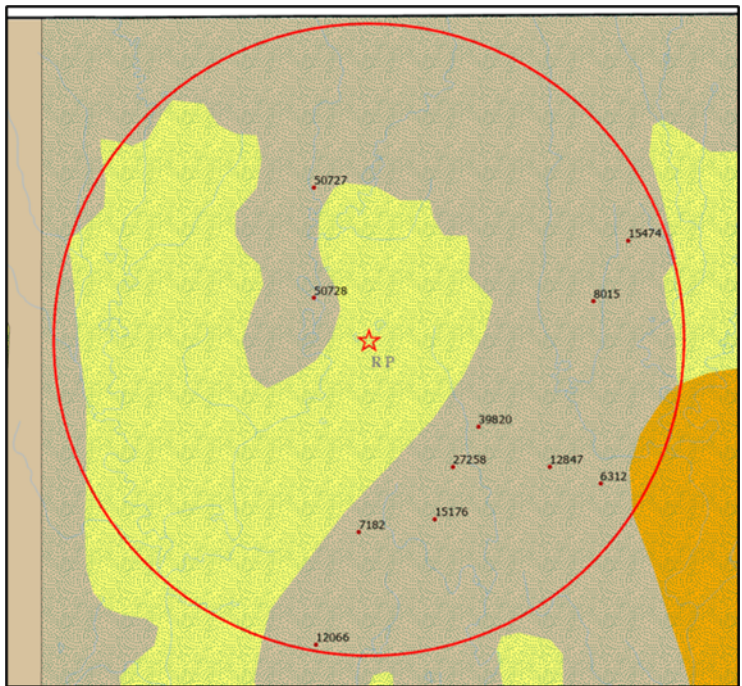


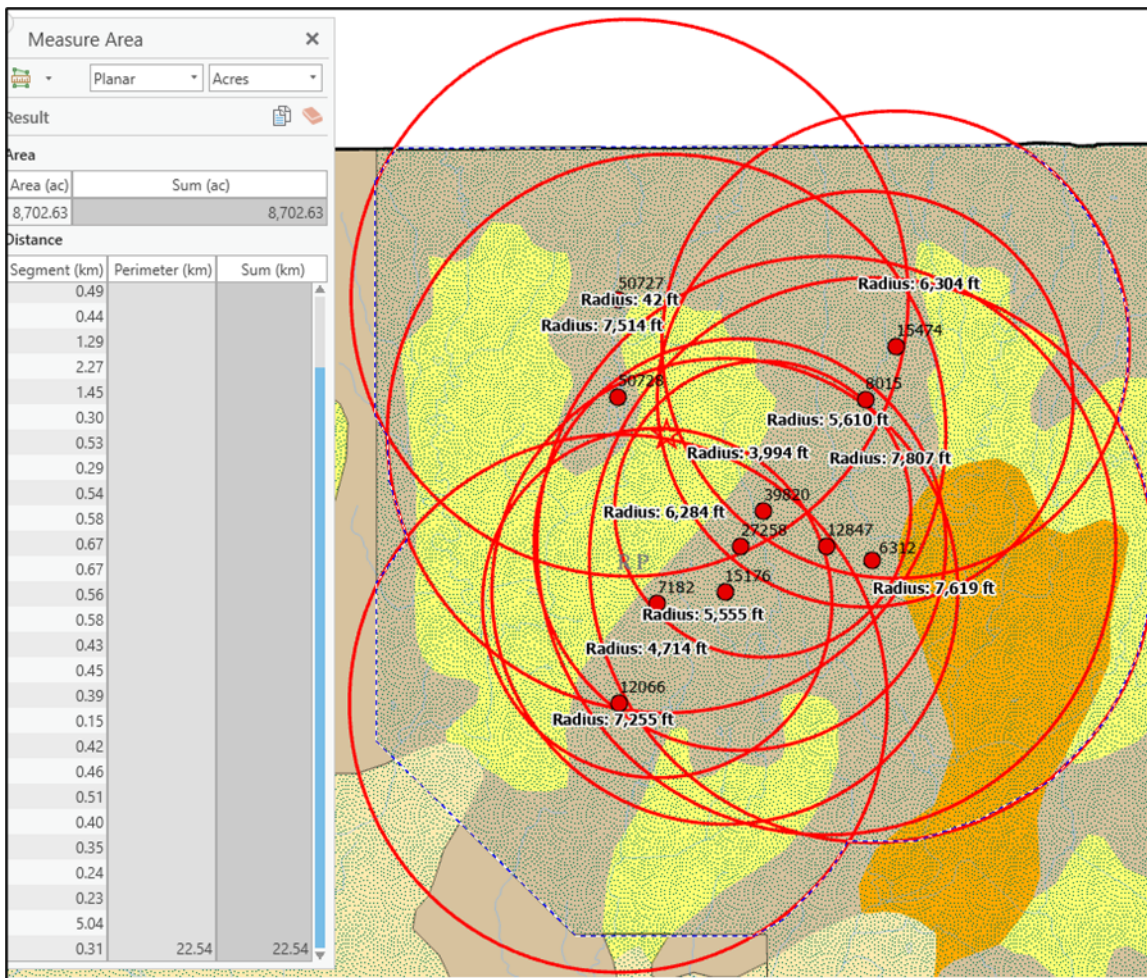


Recharge area	5,763 acres	total area of overlapping recharge areas
Recharge quantity	1,249 acre-ft	at 2.6 inches recharge for recharge area
Total Senior quantity	379 acre-ft	sum of existing appropriations
Available quantity	870 acre-ft	subtract 379 acre-ft from recharge
50,727 proposed	320 acre-ft	subtract proposed from available is positive
Requested quantity 320 acre-ft is available for appropriation		



File No 50,728 and wells in 0.1 ft drawdown radius from File No. 50,728	Quantity of Water per year	60 day GPM or GPM for Quantity if exceeds 60 days	T=190,000 gpd/ft or 25,400 ft ² /d radius for Theis 0.1 ft drawdown distance
File No. 50,728	320 acre-ft	800 gpm	7,500 feet
File No. 6,312	232.5 acre-ft	877 gpm	7,600 feet
File No. 7,182	75 acre-ft	283 gpm	4,700 feet
File No. 8,015	97 acre-ft	366 gpm	5,600 feet
File No. 12,066	172 acre-ft	649 gpm	7,250 feet
File No. 12,847	209 acre-ft	788 gpm	7,800 feet
File No. 15,176	120 acre-ft	453 gpm	6,250 feet
File No. 15,474	123 acre-ft	464 gpm	6,300 feet
File No. 27,258	96 acre-ft	362 gpm	5,550 feet
File No. 39,820	63 acre-ft	238 gpm	3,980 feet
File No. 50,727	320 acre-ft	800 gpm	7,500 feet





Recharge area	8,702 acres	total area of overlapping recharge areas
Recharge quantity	1,885 acre-ft	at 2.6 inches recharge for recharge area
Total Senior quantity	1,508 acre-ft	sum of existing appropriations and 50,727
Available quantity	378 acre-ft	subtract 1,508 acre-ft from recharge
50,728 proposed	320 acre-ft	subtract proposed from available is positive
Requested quantity 320 acre-ft is available for appropriation		

From: Munson, John [KDA]
Sent: Thursday, May 25, 2023 11:41 AM
To: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>; Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Means, David [KDA] <David.Means@ks.gov>
Subject: RE: Safe Yield in the Belleville formation

Hi Brandon,

The safe yield in this area involves using a drawdown computation to determine the radius of influence for the proposed well. Rules and Regs provide an aquifer transmissivity that can be used in the computation but the transmissivity determined from a well driller's log for the proposed site can also be used. However, the well driller's log is useless without knowing the water level at that site. We need to know the saturated thickness of the sediments to estimate the transmissivity from the well driller's log.

The applicant should know the depth to water at the test hole or the driller should be able to tell him. Or is it a dry hole?

John

From: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Sent: Thursday, May 25, 2023 11:24 AM
To: Munson, John [KDA] <John.Munson@ks.gov>; Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Means, David [KDA] <David.Means@ks.gov>
Subject: RE: Safe Yield in the Belleville formation

John,

I do not have any water levels for the test holes in question. Is this something that you need to run a safeyield in the area? I believe I only have one water level in sections 6 and 7 for you if you would like that number.

Brandon

From: Munson, John [KDA] <John.Munson@ks.gov>
Sent: Wednesday, May 24, 2023 2:14 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Means, David [KDA] <David.Means@ks.gov>; Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Subject: RE: Safe Yield in the Belleville formation

Thanks Kelly,

I will work with Brandon and do the safe yield for these files and send them to you and Mark to make sure my review is consistent as done in the past.

John

From: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Sent: Wednesday, May 24, 2023 2:06 PM
To: Munson, John [KDA] <John.Munson@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Means, David [KDA] <David.Means@ks.gov>; Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Subject: RE: Safe Yield in the Belleville formation

Good afternoon John,

Historically, Stockton has ran the safe-yield analysis when the application is in the Belleville. As far as I know, Mark and I are the only existing employees that have done so. We didn't think any of the newer HQ staff knew the process so we kind of took it upon ourselves to do it.

We still use that methodology that you outlined many years ago. We recently suggested to Kristen that we couldn't really see a reason to run safe-yield any differently in the Belleville than what we do elsewhere. However, the Regs reference your study so I think we might have to continue. We do not tell people that the Belleville is over-appropriated. We tell them that running safe-yield is complicated and time consuming and they will simply have to file an application to find out if it can be approved or not. I recently assisted Allen Hurley with a Belleville app that was off to the Southeast of the main developed areas. I told him "he had a chance".

We would actually be happy if you wanted to run the safe-yield for those pending applications. The "area of consideration" should only include areas with aquifer under it and I also think it should be truncated at the state line. We typically wouldn't give any recharge credit to areas in Nebraska or beyond the aquifer extent.

I think I answered all of your questions. Please let me know if I missed anything.

Kelly

From: Munson, John [KDA] <John.Munson@ks.gov>

Sent: Wednesday, May 24, 2023 1:48 PM

To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>

Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Means, David [KDA] <David.Means@ks.gov>; Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>

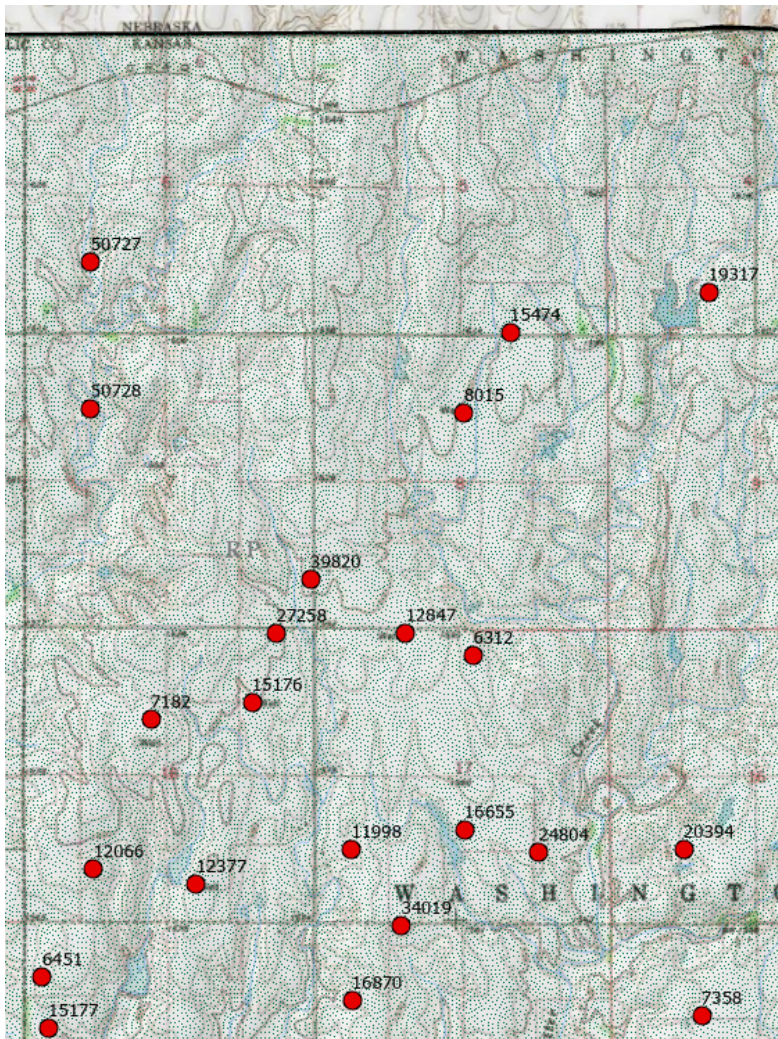
Subject: Safe Yield in the Belleville formation

Hi Kelly,

1. I was asked if we still process safe yield for new applications filed in the Belleville formation?
2. I thought we may have been telling applicants that the area is fully appropriated or is there a closure form that the Belleville is fully appropriated?
3. Long time ago your office used to process these requests, do you still do that?
4. There are two applications File 50,727 and 50,728 presently pending in the very northwest corner of the area in Sections 6 and 7, 1 south, Range 4w. It seems if we do safe yield the radius of the circle would be based on Theis drawdown of 0.1 feet using $S = 0.15$ and $T = 190,000$ gpd/ft or a T determined from the well drillers log. Since the Belleville formation is defined as limited to the west by range 4 west and to the north by state line, then the area of consideration might be limited to the defined Belleville formation area. Please let me know how you would like to proceed? I can do a safe yield based on these criteria if you like and Brandon would probably further process the application or is this something that your office should be reviewing?
5. If I do the safe yield would you agree to limit the circle for the pending applications to the range 4 west and state line boundaries? I don't know if it had been done differently in the past?

Here is a map showing 50277 and 50728 to the northwest near the Belleville formation boundary.

Thanks,
John



From: Stewart, Kelly [KDA]
Sent: Tue 6/27/2023 10:57 AM
To: Milner, Brandon [KDA];Billinger, Mark [KDA];Hageman, Nancy [KDA]
Subject: FW: 50,727 and 50,728 Memos
Attachments: 50727 Memo.docx, 50728 Memo.docx

Good morning Brandon,

I recommend approval of both applications.

Kelly

From: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Sent: Tuesday, June 27, 2023 10:41 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: 50,727 and 50,728 Memos

Kelly,

I've attached memos for application nos. 50,727 and 50,728 for irrigation purposes in the Belleville Formation in Republic County. Could you provide a recommendation on these? 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. 50,727** of the applicant

GRAUERHOLZ FARMS LLC
737 BIRCH RD
HARDY, NE 68943

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:

- That the priority date assigned to such application is **February 22, 2022**.
- 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	
6 - 1S - 4W					40	40	40	40	40	40	30						270

- That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Northwest Quarter of the Southeast Quarter of the Southwest Quarter (NW¼ SE¼ SW¼) of Section 6, more particularly described as being near a point 1,017 feet North and 3,638 feet West of the Southeast corner of said section, in Township 1 South, Range 4 West, Republic County, Kansas, located substantially as shown on the topographic map accompanying the application.
- 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 **320 acre-feet** of water for any calendar year.
- That installation of works for diversion of water shall be completed on or before **December 31, 2024**, 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, 2028**, 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. The 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 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.

17. 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.

Ordered this 29 day of June, 2023, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

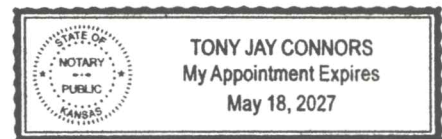
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 29 day of June, 2023, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Tony Jay Connors

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

July 5, 2023

BRETT GRAUERHOLZ
GRAUERHOLZ FARMS LLC
737 BIRCH RD
HARDY NE 68943

RE: Appropriation of Water
File Nos. 50,727 and 50,728

Dear Mr. Grauerholz:

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

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

Acceptable water flowmeters must be installed on the diversion works authorized by these permits prior to using water. 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.kswateruserreport.org.

The approval of your applications constitute permits to appropriate water. They do not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. They do 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.

Also included is an informational sheet that sets forth the procedure to obtain Certificates of Appropriation, which will establish the extent of your perfected water rights. Additional information and applicable forms may be found on our website at agriculture.ks.gov/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 numbers so we can help you more efficiently.

Sincerely,

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

KAB:kak:bmm
Enclosures
pc: Stockton Field Office

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 5 day of July, 2023, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,727 and 50,728, dated June 29, 2023, was mailed postage prepaid, first class, US mail to the following:

GRAUERHOLZ FARMS LLC
737 BIRCH RD
HARDY NE 68943

With photocopies to:

DANA A GRAUERHOLZ
403 N 4TH ST
SAINT MARYS KS 66536

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Division of Water Resources