



File No. **50,368**      15. Formation Code: 113      Drainage Basin: **Kansas River**      County: GE      Special Use:      Stream:

16. Points of Diversion										17. Rate and Quantity <b>MOD ADDL QTY</b>				
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W		Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
√	<b>88003</b>	<b>NE NW NW</b>	<b>25</b>	<b>11</b>	<b>6E</b>	<b>7</b>	<b>5213</b>	<b>4178</b>		<b>1400</b>	<b>137.5</b>	<b>1400</b>	<b>27.5</b>	<b>NONE</b>

18. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

19. Limitation: **137.5 AF** af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **11,710**  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

20. Meter Required?  Yes  No      To be installed by **12/31/2021**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? <b>NO</b>	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					
√	<b>793</b>	<b>24</b>	<b>11</b>	<b>6E</b>	<b>1</b>												<b>40</b>	<b>33</b>					<b>73</b>	<b>7a.</b>	<b>NO</b>	<b>11,710</b>	
√	<b>7134</b>	<b>25</b>	<b>11</b>	<b>6E</b>	<b>2</b>					<b>16</b>	<b>36</b>												<b>52</b>	<b>7a.</b>	<b>NO</b>	<b>11,710</b>	

Comments:

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** June 3, 2020

**FROM:** Doug Schemm

**RE:** Application, File No. 50,368

Daniel P & Dorothy Boller have filed the referenced new application to appropriate 137.5 acre-feet of groundwater from a proposed, new well at a rate of 1,400 gallons per minute for irrigation use on 125 acres. The well will be located in the Northwest Quarter of Section 25, Township 11 South, Range 6 East, Geary County, within the Kansas River Drainage Basin. Water Right, File No. 11,710 overlaps in place of use. The place of use is entirely owned by the applicant, who has signed the application form stating he has access to the point of diversion. The maximum allowable quantity of water to irrigate the proposed acreage of 125 acres, with 1.1 acre-feet per acre in Geary County would be 137.5 acre-feet.

Water Right, File No. 11,710 is authorized 110 acre-feet of surface water from Clarks Creek. Therefore, this junior permit will be limited to 137.5 acre-feet when combined with this senior file, providing 27.5 acre-feet of additional water.

The applicant identified one nearby domestic well and two nearby municipal wells within one-half mile (complying with K.A.R. 5-3-4). Nearby notification letters were sent out on May 15, 2020. No responses of any kind were received. The nearest domestic well is over 2,000 feet away, and the application complies with well spacing criteria of 660 feet to all domestic wells. The nearest non-domestic well is over 1,500 feet away, and the application complies with minimum well spacing of 1,320 feet, per K.A.R. 5-4-4 for all other aquifers. The existing well is located over ¼ mile from the Kansas River, so no notification of the KRWAD is required.

The source of water is the Kansas River alluvium. K.A.R. 5-3-11 states that calculated recharge in the Kansas River alluvium shall be determined by taking 25% of the average annual rainfall in the area of consideration. For this application, the calculated recharge was determined to be 8.2 inches. The extent of the river alluvium for the area of consideration provides a total of 4,613 acres. Based on a potential recharge of 8.2 inches, with 75% available for appropriation, safe yield was determined to be 2,364.08 acre-feet. Existing water rights have appropriated 1,114.64 acre-feet within the area of consideration, leaving 1,249.44 acre-feet available, and the application requesting 137.5 acre-feet complies with safe yield.

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.

In a June 3, 2020 e-mail, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced new application. 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.

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

## Schemm, Doug [KDA]

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**From:** Tietsort, Katie [KDA]  
**Sent:** Wednesday, June 3, 2020 7:32 AM  
**To:** Schemm, Doug [KDA]  
**Subject:** RE: 50368 - Daniel Boller

Proceed.

Katie Tietsort  
Water Commissioner

[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)

785-296-5733

**PLEASE NOTE OUR NEW ADDRESS:**

**Kansas Department of Agriculture**

**Topeka Field Office**

**1131 SW Winding Rd, Suite 400**

**Topeka, KS 66615**

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**From:** Schemm, Doug [KDA] <Doug.Schemm@ks.gov>  
**Sent:** Wednesday, June 3, 2020 6:54 AM  
**To:** Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>  
**Subject:** 50368 - Daniel Boller

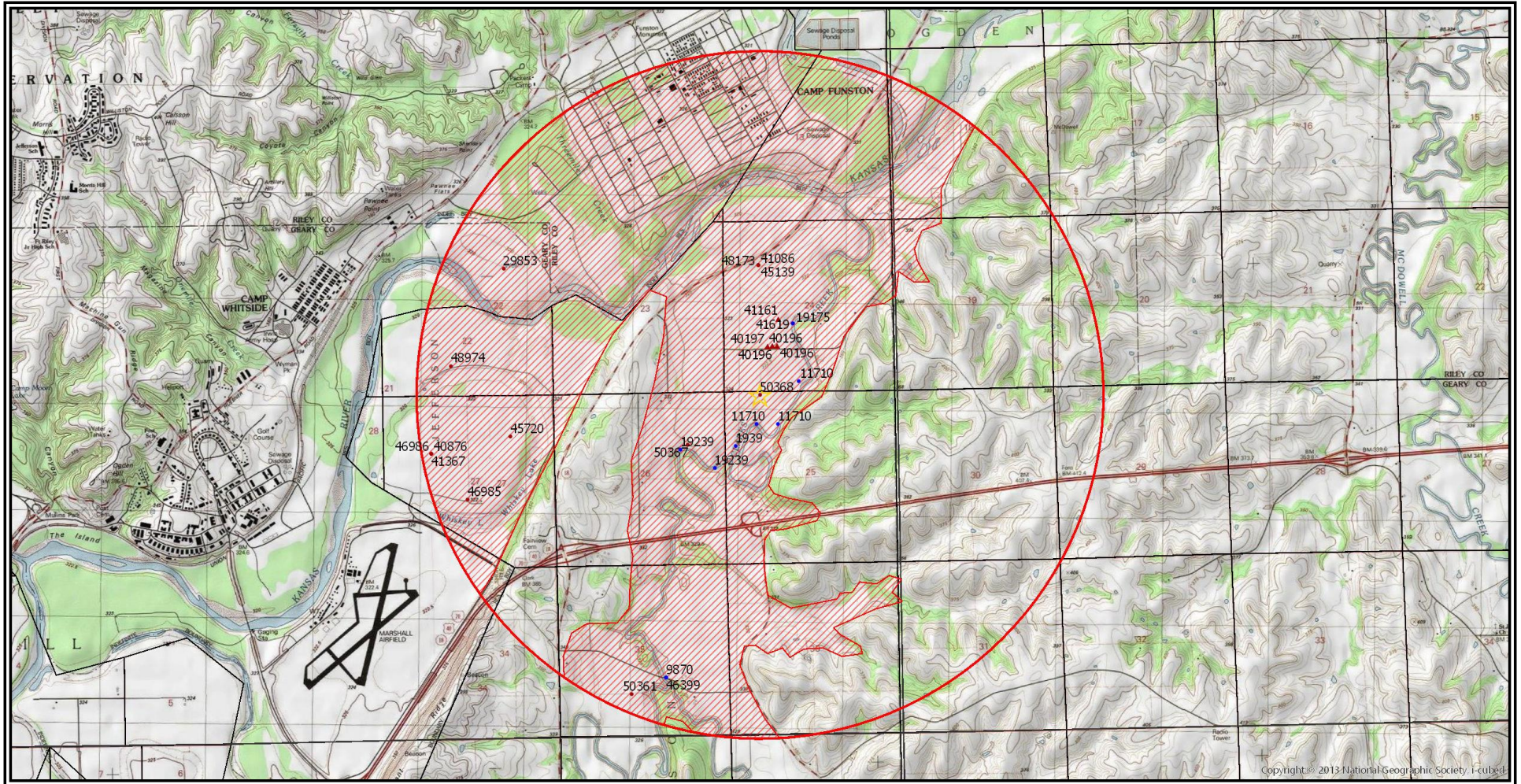
No issues with this one. No response from nearbys. Meets all the regs.

Will overlap in PU with senior surface water file.

Please review,

Doug

**Safe Yield Report Sheet**  
**Water Right- A5036800**  
**Point of Diversion in 25-11S-06E**  
**Footages from SE corner- 5,213 feet North 4,178 feet West**



## Analysis Results

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

The safe yield based on the variables listed below is 2,364.08 AF.

Total prior appropriations in the circle is 1,291.54 AF. - 229.9 AF + 53 AF = 1,114.64 AF

Total quantity of water available for appropriation is ~~1,072.54~~ AF.

1,249.44 AF

Application File No. 50,368 - Requesting 137.5 AF  
Meets Safe Yield  
dws/dwr 5/14/20

## Safe Yield Variables

The area used for the analysis is set at 4,613 acres.

The potential annual recharge at the circle center is estimated to be 8.2 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 30-APR-2020 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 16 water rights and 13 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 29853 00	IRR	NK	G					3942	1454	22	11	06E	5	WR	90.00	90.00	173.00	173.00
A 40196 00	MUN	NK	G		SW	NE	SW	1423	3903	24	11	06E	3	WR	165.72	165.72		
Same	MUN	NK	G		SW	NE	SW	1445	3608	24	11	06E	5	WR				
Same	MUN	NK	G		SW	NE	SW	1434	3756	24	11	06E	10	WR				
A 40197 00	MUN	LR	G		SW	NE	SW	1423	3903	24	11	06E	3	WR	165.72	165.72		
Same	MUN	LR	G		SW	NE	SW	1445	3608	24	11	06E	5	WR				
Same	MUN	LR	G		SW	NE	SW	1434	3756	24	11	06E	10	WR				
A 40876 00	IRR	NK	G		NW	SE	NW	3566	3813	27	11	06E	1	WR	78.00	78.00	142.00	142.00
A 41086 00	IRR	NK	G		NE	SW	NW	3939	4131	24	11	06E	9	WR	27.00	27.00	160.00	0.00
A 41161 00	MUN	LR	G		NW	NE	SW	2272	3565	24	11	06E	7	WR	165.72	84.70 ✓		
A 41367 00	IRR	NK	G		NW	SE	NW	3566	3813	27	11	06E	1	WR	23.00	23.00	142.00	0.00
A 45139 00	IRR	NK	G		NE	SW	NW	3939	4131	24	11	06E	9	WR	43.00	16.00 ✓	160.00	0.00
A 45720 00	IRR	NK	G					4043	1366	27	11	06E	2	WR	146.00	146.00	142.00	142.00
A 46985 00	IRR	NK	G					2127	2720	27	11	06E	7	WR	156.20	0.00 ✓	142.00	0.00
A 46986 00	IRR	NK	G		NW	SE	NW	3566	3813	27	11	06E	1	WR	156.20	0.00 ✓	142.00	0.00
A 48173 00	IRR	NK	G		NE	SW	NW	3939	4131	24	11	06E	9	WR	96.00	0.00 + 53 AF ✓	160.00	0.00
A 48974 00	IRR	LR	G		NE	SE	SW	950	3085	22	11	06E	6	WR	150.00	150.00	280.70	280.70
A 50361 00	IRR	AY	G		SE	NE	SW	1327	3059	35	11	06E	3	WR	115.50	115.50	105.00	0.00
A 50368 00	IRR	AY	G		NE	NW	NW	5213	4178	25	11	06E	7	WR	<del>137.50</del>	<del>137.50</del>	125.00	0.00
A 50367 00	IRR	AY	G		NW	SE	NE	3713	1143	26	11	06E	5	WR	<del>92.40</del>	<del>92.40</del>	84.00	14.00
																229.9 AF		

## Limitations

File Number	Seq Num	Limitations
A 40197 00	1	300GPM COM/W #40196 ON LAND LISTED IN APPROVAL

File Number	Seq Num	Limitations
A 41161 00	1	416.16AF/YR (135.6MGY) COM/W #40196 & 40197 165.72 AF + 165.72 AF + 84.7 AF = 416.16 AF ✓
A 41367 00	3	970GPM COM/W #40876
A 45139 00	2	43AF/YR @ 775GPM COM/W #41086 27 AF + 16 AF = 43 AF ✓
A 46985 00	1	156.2 AF/YR COM/W #40876, 41367 & 46984 78 AF + 23 AF + 55.2 AF = 156.2 AF ✓
A 46986 00	1	156.2 AF/YR COM/W #40876, 41367, 46984 & 46985 78 AF + 23 AF + 55.2 AF + 0 = 156.2 AF ✓
Same	2	1000 GPM COM/W #40876 & #41367
A 48173 00	1	133 AF/YR COM/W #19175, #41086, #41619 & #45139 Some senior files not in circle.
Same	2	96 AF/YR @ 775 GPM COM/W #41086 & #45139 27 AF + 16 AF + 0 = 43 AF ✓

Add 53 AF back in to reflect limitation (96 AF - 43 AF). ✓

Report Date: Thursday, May 14 2020

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50368 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50368 00 IRR

Water Right and Points of Diversion Within 2.00 of a point defined as:

5213 Feet North and 4178 Feet West of the Southeast Corner of Section 25 Twp 11S Rng 6E

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A__ 29853	00	IRR	NK	G	8828	--	--	--	3942	1454	22	11	6E	5		90.00	90.00	AF	
A__ 40196	00	MUN	NK	G	1512	--	SW	NE	SW	1423	3903	24	11	6E	3	B2	165.72	165.72	AF
Same					1554	--	SW	NE	SW	1434	3756	24	11	6E	10	G2			
Same					1609	--	SW	NE	SW	1445	3608	24	11	6E	5	B2			
A__ 40197	00	MUN	LR	G	1512	--	SW	NE	SW	1423	3903	24	11	6E	3	B2	165.72	165.72	AF
Same					1554	--	SW	NE	SW	1434	3756	24	11	6E	10	G2			
Same					1609	--	SW	NE	SW	1445	3608	24	11	6E	5	B2			
A__ 40876	00	IRR	NK	G	10308	--	NW	SE	NW	3566	3813	27	11	6E	1		78.00	78.00	AF
A__ 41086	00	IRR	NK	G	4007	--	NE	SW	NW	3939	4131	24	11	6E	9		27.00	27.00	AF
A__ 41161	00	MUN	LR	G	2413	--	NW	NE	SW	2272	3565	24	11	6E	7		165.72	84.70	AF
A__ 41367	00	IRR	NK	G	10308	--	NW	SE	NW	3566	3813	27	11	6E	1		23.00	23.00	AF
A__ 45139	00	IRR	NK	G	4007	--	NE	SW	NW	3939	4131	24	11	6E	9		43.00	16.00	AF
A__ 45720	00	IRR	NK	G	7817	--	--	--	--	4043	1366	27	11	6E	2		146.00	146.00	AF
A__ 46985	00	IRR	NK	G	9591	--	--	--	--	2127	2720	27	11	6E	7		156.20	.00	AF
A__ 46986	00	IRR	NK	G	10308	--	NW	SE	NW	3566	3813	27	11	6E	1		156.20	.00	AF
A__ 48173	00	IRR	NK	G	4007	--	NE	SW	NW	3939	4131	24	11	6E	9		96.00	.00	AF
A__ 48974	00	IRR	LR	G	9542	--	NE	SE	SW	950	3085	22	11	6E	6		150.00	150.00	AF
A__ 50361	00	IRR	AY	G	10050	--	SE	NE	SW	1327	3059	35	11	6E	3		115.50	115.50	AF
A__ 50367	00	IRR	AY	G	2709	--	NW	SE	NE	3713	1143	26	11	6E	5		92.40	92.40	AF
A__ 50368	00	IRR	AY	G	0	--	NE	NW	NW	5213	4178	25	11	6E	7		137.50	137.50	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	345.40	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	400.42	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	545.72	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1291.54	.00

An \* after the source of supply indicates a pending application for change under the file number.

An \* after the ID indicates a 15 AF exemption was granted under the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

Water Right and Points of Diversion Within 2.00 of a point defined as:

5213 Feet North and 4178 Feet West of the Southeast Corner of Section 25 Twp 11S Rng 6E

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
> KANSAS DEPT OF WILDLIFE PARKS & TOURISM			
> ATTN: JAMES SCHNEIDER			
> 512 SE 25TH AVE			
> PRATT KS 67124			
> -----			
> MORRIS RWD 01			
>			
> PO BOX 146			
> DWIGHT KS 66849			
> -----			
> MORRIS RWD 01			
>			
> PO BOX 146			
> DWIGHT KS 66849			
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> DANIEL P & DOROTHY BOLLER
>
> 11196 BARR RD
> JUNCTION CITY KS 66441
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>
> 13408 CLARKS CREEK RD
> JUNCTION CITY KS 66441
> -----
> MORRIS RWD 01
>
> PO BOX 146
> DWIGHT KS 66849
> -----
> DANIEL P & DOROTHY BOLLER
>
> 11196 BARR RD
> JUNCTION CITY KS 66441
> -----
>
>
> 13408 CLARKS CREEK RD
> JUNCTION CITY KS 66441
> -----
> CALEB STRAUSS
>
> 5787 W LYONS CREEK RD
> JUNCTION CITY KS 66441
> -----
> DANIEL P & DOROTHY BOLLER
>
> 11196 BARR RD
> JUNCTION CITY KS 66441
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> DANIEL P & DOROTHY BOLLER
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> 11196 BARR RD
> JUNCTION CITY KS 66441
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>
> 13408 CLARKS CREEK RD
> JUNCTION CITY KS 66441
> -----
> MARJORIE H WAHLE TRUST
>
> 11719 BOLLER RD
> JUNCTION CITY KS 66441
> -----
>
>
> 13408 CLARKS CREEK RD
> JUNCTION CITY KS 66441
> -----
> MARJORIE H WAHLE TRUST
>
> 11719 BOLLER RD
> JUNCTION CITY KS 66441
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> DANIEL P & DOROTHY BOLLER
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> 11196 BARR RD
> JUNCTION CITY KS 66441
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THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
Christopher W. Beightel, Acting 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. 50,368** of the applicant

**DANIEL P & DOROTHY BOLLER  
11196 BARR RD  
JUNCTION CITY KS 66441**

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 27, 2020**.
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	
24 11S 6E											40	33					73
25 11S 6E					16	36											52

3. 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 Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE¼ NW¼ NW¼) of Section 25, more particularly described as being near a point 5,213 feet North and 4,178 feet West of the Southeast corner of said section, in Township 11 South, Range 6 East, Geary County, Kansas, located substantially as shown on the map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **1,400 gallons per minute (3.12 c.f.s.)** and to a quantity not to exceed **137.5 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, 2021** 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, 2025** 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 the 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).



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

October 29, 2020

DANIEL P & DOROTHY BOLLER  
11196 BARR RD  
JUNCTION CITY KS 66441

RE: Appropriation of Water, File No. 50,368

Dear Mr. and Mrs. Boller:

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](http://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](http://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 Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

KAB:dws  
Enclosure(s)

pc: Topeka 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:

- 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.

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.

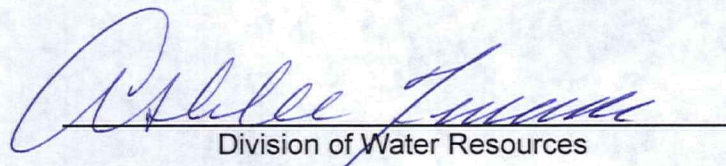
**CERTIFICATE OF SERVICE**

On this 29 day of October, 2020, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,368, dated 28 October was mailed postage prepaid, first class, US mail to the following:

DANIEL P & DOROTHY BOLLER  
11196 BARR RD  
JUNCTION CITY KS 66441

With photocopies to:

Topeka Field Office

  
Division of Water Resources