

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;">50,298</p>	2. Status Change Date: <p style="text-align: center; color: purple;">3/11/2021</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">01</p>	4. GMD: <p style="text-align: center; font-size: 1.2em;">0</p>
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s) Person ID <u>66873</u> New to system <input type="checkbox"/> Add Seq# _____</p> <p>DAVID DWERLKOTTE 2855 NAVAHO 2255 Navaho Rd **update address FRANKFORT KS 66427</p>	<p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>		
<p>7b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p>7a.</p>	<p>7d. Misc. Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p>KEITH GRIMM 1215 OREGON ST HIAWATHA KS 66434</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>7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>		
10. Completion Date: 12/31/2020 22 11. Perfection Date: 12/31/2024 26 12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
<p>Date Prepared: 10/24/2019 By: DWS Date Entered: 3/15/2021 By:</p>			

File No. **50,298** 15. Formation Code: Drainage Basin: SF BIG NEMAHA RIVER County: NM Special Use: Stream: SOUTH FORK BIG NEMAHA RIVER TRIB 6

16. Points of Diversion											
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
√	87687	NE	SW	SW	10	3	12E	1	925	4505	

17. Rate and Quantity MOD QTY				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
1000	101.15	1000	101.15	NONE

18. Storage: Rate **NF** Quantity **101.15** ac/ft Additional Rate **NF** Additional Quantity **101.15** 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 ~~12/31/2020~~ **12/31/2022** Date Acceptable Meter Installed _____

21. Place of Use							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
T	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						
MOD	69603	10	3	12E	1								40	32	18	38		4	10		142	7a.	No	NONE		

Comments: 3/10/2021
KAB

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: October 24, 2019

FROM: Doug Schemm

RE: Application, File No. 50,298

David Dwerlkotte has filed the application referred to above for a permit to appropriate 101.15 acre-feet of surface water in a proposed reservoir at a rate not to exceed all natural flows of South Fork Big Nemaha River Trib 6. He will re-divert 101.15 acre-feet of the stored water for irrigation use. The reservoir is located within the South Fork Big Nemaha drainage basin. The point of diversion is the centerline of a dam located in the Southwest Quarter of Section 10, Township 3 South, Range 12 East, in Nemaha County. The applicant has signed the application form stating he has access to the point of diversion. There are no overlaps in place of use or point of diversion. The applicant owns the entire place of use, which comprises 142 acres. Note the place of use was modified slightly based on prepared site map.

Please note that the application was filed requesting 130 acre-feet of storage and rediversion. However, runoff calculations determined that there is 15.17 inches of runoff per acre, and the small drainage area of 80 acres will only provide for 101.15 acre-feet of runoff in 1 out of every five (5) years (a 20% chance). Therefore, per K.A.R. 5-6-5, the runoff quantity is the limiting factor, and the application was reduced to this quantity. Keith Grimm agreed in an October 8, 2019 e-mail. The proposed direct use quantity of 101.15 acre-feet, is equivalent to 1.6 times the capacity (62.7 AF), which is well within the normal "rule of thumb" of direct use quantity being no more than 5 times the capacity of the reservoir at normal pool for reasonable storage quantity.

The total quantity of water that will be rediverted (101.15 acre-feet), is less than the maximum allowable to irrigate the proposed 142 acres, based on the allowable quantity for irrigation in Nemaha County of 1.1 AF/acre. However, this still provides for almost 9 inches per acre, and the applicant is experienced in utilizing limited quantities of water per acre (4" to 6"), instead of the maximum allowed of 1.1 AF per acre.

Please note that the reservoir is located within the South Fork Big Nemaha drainage basin, the eastern portion of which drains surface water directly from Kansas toward the Sac and Fox Nation of Missouri in Kansas and Nebraska, and the Iowa Tribe of Kansas & Nebraska Reservation. However, this reservoir is located in the western portion of the drainage basin, where surface water flows into the State of Nebraska for several miles, not directly from Kansas land onto Nation or Tribal land. Therefore, no notification is required.

The applicant identified one upstream landowner within one-half ($\frac{1}{2}$) mile of the property lines, and a nearby landowner letter was sent out on October 9, 2019. No response of any kind was received. That applicant noted that he owns all the property below the reservoir to the confluence with South Fork Big Nemaha. There are no other surface water rights within a two-mile radius according to the WRIS database. No senior water rights will be impaired with approval of this application.

David Dwerlkotte
Application, File No. 50,298 - Memorandum
Page 2

The proposed structure was reviewed by DWR Water Structures Program staff, under File No. DNM-0386, and they determined that it qualifies for the hazard Class A permit exemption specified in K.S.A. 82a-301(d)(1). The dam has been properly registered with the structures program.

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

In an October 23, 2019 e-mail, Katie Tietsort, Water Commissioner, Topeka Field Office, stated that the referenced new application should be approved. Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water is reasonable, the dam is non-jurisdictional for structures permitting, and senior rights will not be impacted, it is recommended that the referenced new application be approved.

Doug Schemm
Environmental Scientist
Topeka Field Office

Schemm, Doug [KDA]

From: Tietsort, Katie [KDA]
Sent: Wednesday, October 23, 2019 2:09 PM
To: Schemm, Doug [KDA]
Subject: RE: 50,298 Dwerlkotte

Doug,

TFO has no objections to the approval.

Thanks, Katie

Katie Tietsort
Water Commissioner

Katie.Tietsort@ks.gov
785-296-5733

Kansas Department of Agriculture
Division of Water Resources
Topeka Field Office
6531 S.E. Forbes Ave, Suite B
Topeka, KS 66619

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Wednesday, October 23, 2019 2:05 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: 50,298 Dwerlkotte

Typical storage and redirection. Nobody else in the 2-mile circle.
Exempt for structures permitting. Meets all the regs.
Please review.

Schemm, Doug [KDA]

From: Keith Grimm <Keith@mwivalley.com>
Sent: Tuesday, October 8, 2019 4:42 PM
To: Schemm, Doug [KDA]
Subject: Re: 50298 David Dwerlkotte

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Sounds good

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Schemm, Doug [KDA]" <Doug.Schemm@ks.gov>
Date: 10/8/19 2:43 PM (GMT-06:00)
To: Keith Grimm <Keith@mwivalley.com>
Subject: 50298 David Dwerlkotte

Hello Keith,

This reservoir is in the SW¼ of Sec. 10, T3S, R12E, Nemaha Co.

It is requesting 130 acre-feet, but run-off from the 80 acres is limited to 101.15 acre-feet.

The quantity requested must be reduced to 101.15 acre-feet.

Thanks, Doug



DAVID DWERLKOTTE
FILE NO. 50,298 - SITE MAP

1:12,000



Proposed Point of Diversion - Dam
925' N & 4,505' W

Southeast Corner of Section 10
Township 3 South
Range 12 East

Copyright: © 2013 National Geographic Society, Inc. Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Proposed Place of Use



Proposed Point of Diversion

Run-off Potential #50,298

PDFs
Mean Annual Precipitation
Soil Cover Complex

Mean Annual Precip, in	35
Soil Cover Complex No.	80
Drainage Area, acres	80
Runoff at 20% Chance, AF	101.15

DO NOT EDIT BELOW

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

%Chance Firm	Runoff, in	Comp. Runoff, in
50%	4.87	4.87
80%	1.58	1.56
90%	0.84	0.86
20%		15.17

DNM-386
#50,298

The screenshot shows a software interface for dam registration. At the top, a navigation bar includes options like 'DIVISION', 'Gantt', 'VSL', 'EIM', 'VSL', 'TRANSACTIONS', 'WATER RIGHTS', 'LOCATIONS', 'NUMBERS', 'ECA', 'TRIAL', 'COMPLIANCE', 'IMAGES', 'VSL', and 'ACTIONS'. The main area is divided into several sections:

- APPLICATION INFORMATION:** Includes fields for 'ID' (0006), 'No M41703', 'LASTF300', 'Project Name' (DAM REGISTRATION), 'Site Name', 'Dam Name' (SOUTH FORK BIG HORN RIVER TR), and 'DAM Type'.
- APPLICANT:** Lists 'LASTENWELPKOTTE', 'FIRST DAVID', 'Company' (LASTENWELPKOTTE), 'Address' (FIRST DAVID), 'City' (FIRST), 'State' (LA), and 'Zip' (70001).
- REGISTRATION STATUS:** Shows 'Status' as 'Pending Most' and 'Location' as 'Full Detail'.
- NAVIGATION:** A row of buttons includes 'VSL ACT', 'ALL ACT', 'LOCATION', 'ECA', 'APPLICANT', 'OWNER', 'DESIGNER', 'ENV', 'COMPLIANCE', 'MOD ACT', and 'PROJECT'.
- ACTIONS:** A row of buttons includes 'LOCATION', 'ECA', 'FEE', 'TRIAL', 'LEGAL', 'OWNER', 'VSL', 'IMAGE', 'CHN', 'REGISTRATION', 'STARTED', and 'AFF ID'.
- DETAILS TABLE:** A table with columns 'Date', 'Details', 'Date', 'Remarks', 'NT', and 'ASST'. It contains three rows of data, with the second row circled in blue.

Handwritten annotations include a blue circle around the 'DAM REGISTRATION' project name, a blue circle around the 'CLASS A EXEMPT. HT 25 FT & STORAGE' remark, and a blue arrow pointing from the text 'Dam has been Registered' to the project name.

Date	Details	Date	Remarks	NT	ASST
10-07-2018				LAO	ST
10-24-2018			CLASS A EXEMPT. HT 25 FT & STORAGE	LAO	ST
				LAO	ST

CLASS A Exemption

DNM-386
50,298

DAM ENGINEERING DATA

GENERAL INFORMATION

Proj Data: 1132 Group: Value Project Type of Dam: Pa Type: Phase I Prop
National # 2553 Value Project Dam Length: Pa Minors: Phase
Nat Class: 5 Size Class: 2 Dam Height: 20 Pa Size: Pa On Fed
Purpose: 1 Distance to City/Town: 2 SENeca Volume of Fill: Pa Type: Pa Upgraded
Purpose 2: Distance to City/Town: 2 Spillway Type: 2 Pa Width: Pa State Regulated
Purpose 3: Purpose: Assessment: Imp Status: 1

Elevation (ft): 1132 Area: Storage (ac-ft): Discharge (cfs): Amc (ft)
ES1148.2 ES1148.2 ES1148.2 ES1148.2 ES1148.2
ES1149.2 ES1149.2 ES1149.2 ES1149.2 ES1149.2
TOO1090.2 TOO1090.2 TOO1090.2 TOO1090.2 TOO1090.2

Can be Raised: Dam Former Name: Designer: Hydraulic Height
Remarks: Runoff: Structural Height: Outlet Gate:

VOI | **EXP** | **VALUAD**

D	Conty	Num	EXT	Application	Proj	Location	Asphort
				Proj Code			
1132	D	541	305		EM	EMERGENCY	

62.7 AF at principal spillway

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. 50,298** of the applicant

**DAVID DWERLKOTTE
2255 NAVAHO RD
FRANKFORT KS 66427**

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 **September 19, 2019**.
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	
10	3S	12E								40	32	18	38		4	10		142	

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to South Fork Big Nemaha River, designated in the office of the Chief Engineer as South Fork Big Nemaha River Trib 6, not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **101.15 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE¼ SW¼ SW¼) of Section 10, more particularly described as being near a point 925 feet North and 4,505 feet West of the Southeast corner of said section, in Township 3 South, Range 12 East, Nemaha County, Kansas, to provide **101.15 acre-feet** of water as needed for direct irrigation use to be withdrawn, released or otherwise diverted from the reservoir at a re-diversion rate of approximately **1,000 gallons per minute (2.23 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.

4. That in accordance with K.A.R. 5-6-6, a maximum quantity not to exceed **62.7 acre-feet** of water may also be diverted to complete the initial filling of the reservoir only, and shall not count toward perfection of a water right under the authority of this permit. Subsequent refilling of the reservoir shall require authorization under a term permit.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2022** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$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, which is currently \$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, 2026** 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, which is currently \$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 re-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 re-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 an acceptable water flow meter shall be installed and maintained on the re-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).

13. 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.

14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

15. 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.

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.

Ordered this 11th day of March, 2021, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.

Earl D. Lewis Jr., P.E.
Chief Engineer

Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 11 day of March, 2021, by Earl D. Lewis Jr., P.E., Chief Engineer, 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

March 16, 2021

DAVID DWERLKOTTE
2855 NAVAHO
FRANKFORT KS 66427

RE: Appropriation of Water, File No. 50,298

Dear Mr. Dwerlkotte:

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 re-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.kswateruserreport.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 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 Applications and Changes Supervisor
Division of Water Resources

KAB:dws
Enclosure(s)

pc: Topeka Field Office
Keith Grimm - MWI

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 16 day of March, 2021, I hereby certify that the foregoing Approval of Application, File No. 50,298, dated 11 March was mailed postage prepaid, first class, US mail to the following:

DAVID DWERLKOTTE
2255 NAVAHO RD
FRANKFORT KS 66427

With photocopies to:

KEITH GRIMM
1215 OREGON ST
HIAWATHA KS 66434

Topeka Field Office



Division of Water Resources