

Kansas Department of Agriculture
Division of Water Resources
TERM PERMIT NEW APPLICATION WORKSHEET

1. File Number: <p style="text-align: center;">50,525</p>	2. Status Change Date: <p style="text-align: center;">7/30/2021</p>	3. Field Office: <p style="text-align: center;">1</p>	4. GMD:
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

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

<p>7a. Applicant(s) New to system <input type="checkbox"/> Person ID 65715 Add Seq# _____</p> <p>VENTRIA BIOSCIENCE 2718 INDUSTRIAL DRIVE JUNCTION CITY, KS 66441</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____</p>
<p>7b. Landowner(s) New to system <input checked="" type="checkbox"/> Person ID 67723 _____ Add Seq# _____</p> <p>BIG LAKES DEVELOPMENT CENTER INC 1416 HAYES DR MANHATTAN, KS 66502-5066</p>	<p>7d. Misc. New to system <input type="checkbox"/> Person ID _____ Add Seq# _____</p>

<p>8. WUR Correspondent New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ Overlap File (s) WUC <input type="checkbox"/> Notarized WUC Form Agree <input type="checkbox"/> Yes <input type="checkbox"/> No 7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR <input type="checkbox"/> REC <input checked="" 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>
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10. Completion Date: 12/31/22 11. Perfection Date: 12/31/26 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: **6/29/21** By: **BMM**
Date Entered: 8/3/2021 By: **LMoody**

File No. 50,525 15. Formation Code: 113 Drainage Basin: Kansas River County: RL 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
CHK			86318	SE NW NE	26	10S	8E	1	4020	1410	1800	95.7	1800 ⁰	95.7	49896,
												36.3	7/27/2021	36.3	20219011
													BMM		20179059
															7/27/2021
															KAB

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: _____ af/yr at 1800 gpm (~~49896~~ cfs) when combined with file number(s) **49896**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by _____ Date Acceptable Meter Installed **12/31/2022**

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	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						
CHK			70275	26	10S	8E	2	33																33	7b	N	20219011		

Comments:

From: Tietsort, Katie [KDA]
Sent: Fri 6/25/2021 12:55 PM
To: Milner, Brandon [KDA]
Cc: Bunger, Brett [KDA]
Subject: RE: 50525 & 20219011 Memo

Hello Brandon,

The package looks good to move forward, but I will say that it should be noted that there are 59 TFO pending applications ahead of this one in the queue- several of which have had the owners concerned about the time period in which it has taken us to approve their files and a couple to which the owners or representatives have gone to us, Lane or Program related to the length of time before an approval.

I notice this nearby response letter is a bit different than I have seen in the past. The only thing I would have concerns about is in the first para second sentence you say"for irrigational use." I would definitely change that to irrigation use. And as far as I am aware, the 3rd sentence of the second para is untrue. "our evaluation includes a review if area well logs and relevant hydrographs." Unless you all are doing some new additional review on every application, I am not aware that that us a true statement. I would leave it out unless we actually did that review for this specific application.

Maybe I am missing something....

But the rest looks great. This is exactly how we handle the rice applications. In this way, we don't have a bunch of safe yield tied up in perpetuity when it can't be used in the future. It was an evolution to get to this point to be sure...

Katie Tietsort

Water Commissioner

Katie.Tietsort@ks.gov
Ph. 785-296-5733 Cell 785-213-9188
Kansas Department of Agriculture
Topeka Field Office
1131 SW Winding Rd, Suite 400
Topeka, KS 66615

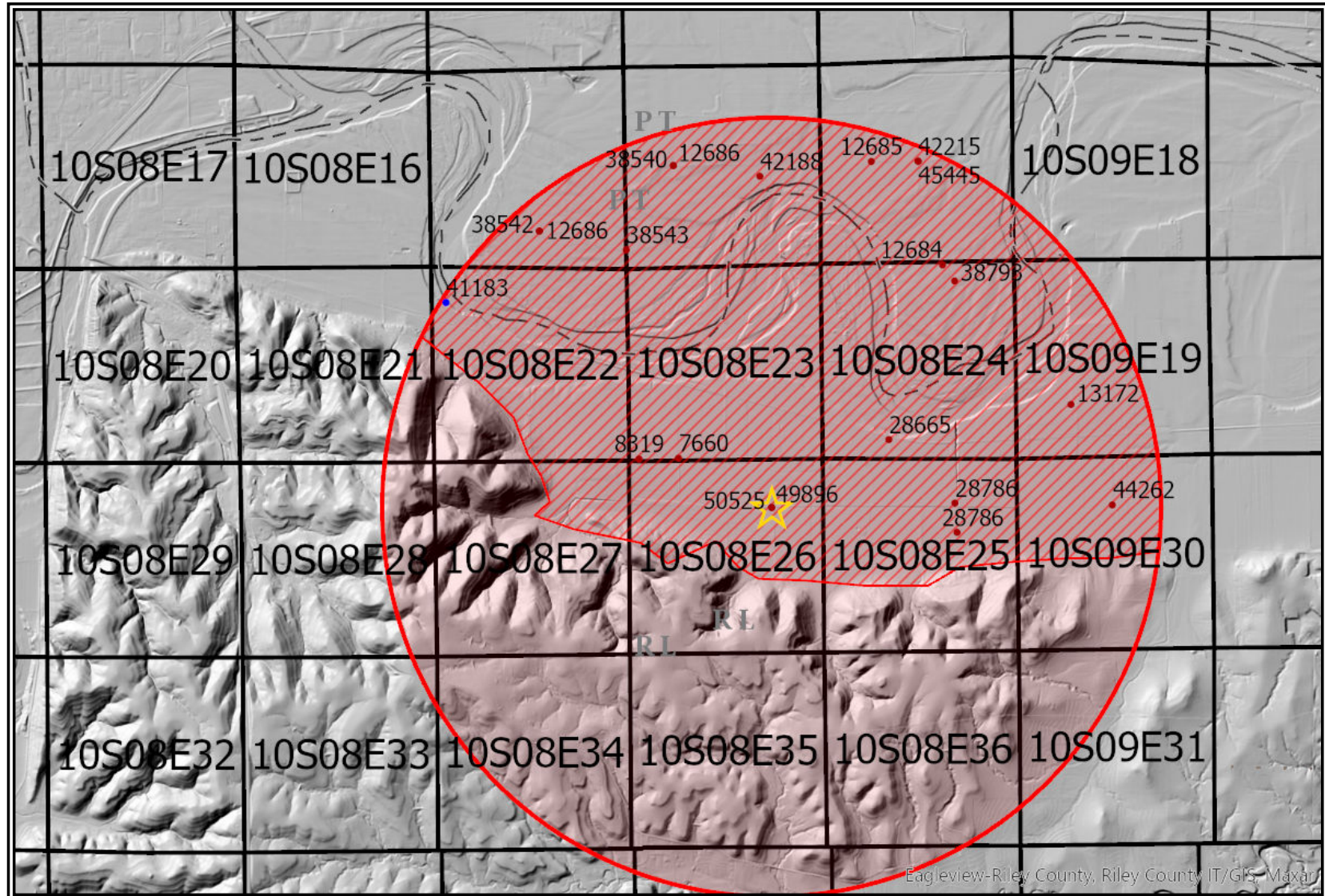
From: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Sent: Friday, June 25, 2021 10:31 AM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Cc: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>
Subject: 50525 & 20219011 Memo

Good morning Katie,

Attached is a joint memo for new application no. 50,525 and term application no. 20219011. Doug left a great example of the previous application associated with this well on Water Right No. 49896 so it may look very similar to that memo. I did receive two letters of concern from nearby domestic well owners and have attached a letter that I plan to send them out to me. Let me know if anything needs changed on this. Thanks!

Brandon Milner
Environmental Scientist
Water Appropriation Program

Safe Yield Report Sheet
Water Right- A5052500
Point of Diversion in 26-10S-08E
Footages from SE corner- 4,020 feet North 1,410 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 2,219.41 AF.

Total prior appropriations in the circle is 1,996.30 AF.

Total quantity of water available for appropriation is 223.11 AF.

Safe Yield Variables

The area used for the analysis is set at 4,278 acres.

The potential annual recharge at the circle center is estimated to be 8.3 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 10-JUN-2021 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 18 water rights and 16 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 7660 00	IRR	NK	G			CS	SW	50	3948	23	10	08E	2	WR	136.00	136.00	118.00	118.00
A 8319 00	IRR	NK	G		SE	SE	SE	0	0	22	10	08E	1	WR	109.00	109.00	100.00	100.00
A 12684 00	IRR	NK	G					5288	1933	24	10	08E	6	WR	100.00	100.00	638.00	638.00
A 12685 00	IRR	NK	G		SE	SW	NW	2743	3855	13	10	08E	2	WR	267.00	267.00	638.00	0.00
A 12686 00	IRR	NK	G			NC	W2	2600	4000	14	10	08E	2	PD	77.00	77.00	707.50	707.50
Same	IRR	NK	G					900	2350	15	10	08E	3	PD	48.00	48.00		
A 13172 00	IRR	NK	G		SW	NE	SW	0	0	19	10	09E	2	WR	124.00	124.00	162.00	162.00
A 28665 00	IRR	NK	G					520	3400	24	10	08E	1	WR	72.00	72.00	176.00	176.00
A 28786 00	IRR	NK	G	NC	E2	SW	NE	3340	1750	25	10	08E	3	PD	111.00	111.00	280.00	280.00
Same	IRR	NK	G		SE	NW	NE	4050	1700	25	10	08E	1	PD	153.00	153.00		
A 38540 00	IRR	NK	G			NC	W2	2600	4000	14	10	08E	2	WR	38.00	38.00	707.50	0.00
A 38542 00	IRR	NK	G					900	2350	15	10	08E	3	WR	86.00	86.00	707.50	0.00
A 38543 00	IRR	NK	G					436	5275	14	10	08E	3	WR	185.00	144.00	707.50	0.00
A 38793 00	IRR	NK	G					4800	1600	24	10	08E	3	WR	117.00	103.00	638.00	0.00
A 42188 00	IRR	NK	G					2400	1618	14	10	08E	12	WR	130.00	130.00	707.50	0.00
A 42215 00	IRR	NK	G				NC	2728	2579	13	10	08E	4	WR	170.00	15.00	638.00	0.00
A 44262 00	IRR	NK	G		NE	SE	NW	3925	2725	30	10	09E	1	WR	125.00	125.00	134.00	134.00
A 45445 00	IRR	NK	G				NC	2728	2579	13	10	08E	4	WR	94.00	23.00	638.00	0.00
A 49896 00	IRR	KE	G		SE	NW	NE	4020	1410	26	10	08E	1	WR	99.00	99.00	90.00	90.00
A 50525 00	IRR	AY	G		SE	NW	NE	4020	1410	26	10	08E	1	WR	36.30	36.30	33.00	33.00

Limitations

File Number	Seq Num	Limitations
A 38540 00	1	870GPM COM/W #12686

File Number	Seq Num	Limitations
A 38542 00	1	930GPM COM/W #12683
A 38543 00	2	517AF/YR COM/W #12,686; 38,540; 38,541 & 38,542
A 38793 00	2	203AF/YR COM/W #12,684
A 42215 00	1	494AF/YR COM/W #12,684, 12,685 & 38,793
A 45445 00	2	193 AF/YR @ 1120 GPM COM/W #42215

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: June 25, 2021

FROM: Brandon Milner

RE: Application, File No. 50,525,
and Term Permit Application, File
No. 20219011

Ventria Bioscience have filed the referenced application (File No. 50,525) to appropriate 36.3 acre-feet of groundwater from an existing well, at a rate of diversion of 1,800 gallons per minute for irrigation use on 33 acres. The well is located near the center of the Northeast Quarter of Section 26, Township 10 South, Range 8 East, Riley County, within the Kansas River Basin. The proposed place of use is wholly owned by the applicants, and the application has been signed stating they have access to the point of diversion. In addition, Ventria Bioscience has filed Term Permit Application, File No. 20219011 requesting 95.7 acre-feet at a diversion rate of 1,800 gallons per minute, which overlaps in both point of diversion and place of use with File No. 50,525. The quantity of water requested under File No. 50,525 of 36 acre-feet to irrigate 33 acres is the maximum allowable 1.1 acre-feet per acre for Riley County, per K.A.R. 5-3-19.

Please note that the purpose of the overlapping term permit (20219011) is to provide an additional quantity of water, in excess of what is considered to be a reasonable quantity for a normal Kansas field crop. The Term Permit Application is requesting 95.7 acre-feet to irrigate the same 33 acres proposed under File No. 50,525. The combined quantity of water of acre-feet (36.3 AF + 95.7 AF) will provide for 4 acre-feet per acre, obviously exceeding the maximum allowable 1.1 acre-feet per acre for Riley County. However, Ventria Bioscience is proposing to grow rice on the property, and per K.A.R. 5-3-20, the quantity of water reasonably necessary to irrigate crops may be exceeded if the applicant demonstrates both of the following to the chief engineer: (1) Because of specialty crops or other unusual conditions, the quantity specified in K.A.R. 5-3-19 is insufficient. (2) The requested quantity is reasonable for the intended irrigation use, is not wasteful, and will not otherwise prejudicially and unreasonably affect the public interest.

Fortunately, there is nearby rice being produced in the area and the necessary quantity of water for growing rice in this area of the state has been reviewed and documented by the Division of Water Resources (see specifically Appropriation of Water, File Nos. 46,984 and 49,546). Water requirements for rice production were established under these files and ranged from 4.1 acre-feet to 4.7 acre-feet per acre. The requested quantity of 4 acre-feet per acre under this pending application is within this established range of values. Therefore, because rice is a specialty crop and the requested quantity of water is reasonable for the intended irrigation use, is not wasteful, and will not otherwise prejudicially and unreasonably affect the public interest, this application complies with K.A.R. 5-3-20.

The term application has requested a 5-year term permit, to extend from June 24, 2021, to June 23, 2026. Because the period of use for the term permit is less than five (5) years, the safe yield requirements of K.A.R. 5-3-10 and 5-3-11 do not apply.

**PD olap with 49896 - same well, different Puse in the same quarter.
Combined rate will be limited to 1800 gpm.**

7/27/2021
KAB

The applicant provided the names and addresses of five domestic well owners within one-half mile of the proposed point of diversion, which complies with K.A.R. 5-3-4. Nearby well owner letters were sent out on June 8, 2021, and two responses were received to date. Mary Ann Beck and Darrell Parks both had concerns with the possible lowering of the water table on their domestic wells with the possible approval of these applications.

The proposed point of diversion meets minimum well spacing of 660 feet to all existing domestic wells (nearest domestic well is over 1,500 feet away), while the nearest non-domestic well (File No. 7,660) is located over 2,800 feet away. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-quarter mile to non-domestic wells.

Well logs were not submitted with the application, which is typical for wells sourcing the Kansas River alluvium. Nearby well logs display the typical alluvium lithology ranging from medium sand to gravel generally extending from 30 feet to more than 80 feet below ground where shale or limestone bedrock was encountered. Static water levels in area wells range from 25 feet to 30 feet below ground level.

Based on these well logs and the physical location of the wells, the source will be 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, there would be 8.3 inches of recharge. The extent of the alluvium for the area of consideration provides a total of 4,278 acres. With a potential recharge of 8.3 inches, and 75% available for appropriation, safe yield was determined to be 2,219.41 acre-feet. Prior appropriations in this area of consideration total 1960 acre-feet, leaving 259.41 acre-feet available, and Application, File No. 50,52 requesting 36.3 acre-feet meets safe yield.

The proposed well is located over one-quarter mile from the Kansas River; therefore per the Kansas River Water Assurance Program Operations Agreement, the KRWAD was not notified of these pending applications.

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 these permits, a check valve will also need to be installed.

In an DATE e-mail, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced applications. Based on the above discussion, well spacing and safe yield criteria are met, the requested quantity of water for rice production is reasonable and justified, and approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that both referenced new applications be approved.

Brandon Milner
Environmental Scientist
Manhattan Office

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. 50,525** of the applicant

**VENTRIA BIOSCIENCE
2718 INDUSTRIAL DRIVE
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 February 23, 2021.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
26	10S	8E	33																33

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 Southeast Quarter of the Northwest Quarter of the Northeast Quarter (SE¼ NW¼ NE¼) of Section 26, more particularly described as being near a point 4,020 feet North and 1,410 feet West of the Southeast corner of said section, in Township 10 South, Range 8 East, Riley 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 **1,800 gallons per minute** (4.01 c.f.s.) and to a quantity not to exceed **36.3 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 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 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 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 Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

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

16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a703c for the source of supply to which this water right applies.

18. That the quantity of water perfected and certified under this permit will be restricted to the quantity determined by multiplying the number of acres actually irrigated (base acres) by the allowable quantity per acre as set forth in K.A.R. 5-3-19(b), for irrigation of normal row crops (1.1 acre-foot per base acre).

19. That the rate of diversion of water approved under this permit is further limited to the rate which combined with Water Right File No. 49,896, will provide a total **not to exceed 1,800 gallons per minute** (4.01 c.f.s.) from the authorized point of diversion.

Ordered this 30 day of July, 2021, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

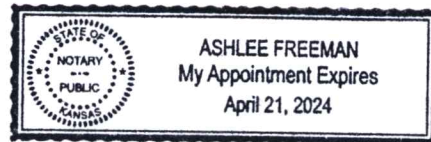
State of Kansas)

) SS

County of Riley)

The foregoing instrument was acknowledged before me this 30 day of July, 2021, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman
Notary Public



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



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

VENTRIA BIOSCIENCE
2718 INDUSTRIAL DRIVE
JUNCTION CITY, KS 66441

August 3, 2021

RE: Appropriation of Water, File No. 50,525

Dear Sir or Madam:

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.

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:bmm

Enclosure(s)

pc: Topeka Field Office
Big Lakes Development Center Inc.

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 3 day of August, 2021, I hereby certify that the foregoing Approval of Application, File No. 50,525, dated 30 July 2021 was mailed postage prepaid, first class, US mail to the following:

VENTRIA BIOSCIENCE
2718 INDUSTRIAL DRIVE
JUNCTION CITY, KS 66441

With photocopies to:

BIG LAKES DEVELOPMENT CENTER INC
1416 HAYES DR
MANHATTAN, KS 66502-5066

Topeka Field Office



Division of Water Resources