

File No. **50,534** 15. Formation Code: Drainage Basin: **NEOSHO RIVER** County: **LB** Special Use: Stream: **LABETTE CREEK**

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			88644	SW SE NE	24	33S	20E	3	2760	761	NF	150	NF	150	none

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

19. Limitation: **150** af/yr at _____ gpm (_____ cfs) when combined with file number(s) **50533**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? **x Yes** No To be installed by _____ Date Acceptable Meter Installed _____

21. Place of Use				NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	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								
CHK			70293	24	33S	20E	3	WILDLIFE MARSH (NE) 50 AC																	7a	NO	50533

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: January 28, 2022

FROM: Kris Neuhauser

RE: Application, File No. 50,533 & 50,534

Kyle and Shandi Morey have filed the above-referenced applications requesting to appropriate 150 acre-feet of surface water (combined) for recreational use in a wildlife marsh by both direct diversion at a maximum rate of 5,000 gallons per minute from one pumpsite on Labette Creek (Neosho River) (File No. 50,533) and by storage of natural flows (File No. 50,534). The junior application will be limited to 150 acre-feet when combined with the senior file on the place of use.

Approval of both direct diversion and natural flow collection will provide the applicant more flexibility, helping to ensure the marsh can be maintained at optimal levels. The pumpsite will be located in the Northeast Quarter of the Northwest Quarter of the Northeast Quarter (NE¹/₄ NW¹/₄ NE¹/₄) of Section 24, more particularly described as being near a point 4,714 feet North and 1,512 feet West of the Southeast corner of said section; while the water control structure will be located in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW¹/₄ SE¹/₄ NE¹/₄), more particularly described as being near a point 2,760 feet North and 761 feet West of the Southeast corner of Section 24, both in Township 33 South, Range 20 East, Labette County, Kansas.

Applications similar to this frequently construct wetlands that typically “store” overland flows (floodwaters) and are located adjacent to a major stream or river system. The control structures are generally stop logs and there can be multiple control structures in one marsh. Some of these wetland projects may also include direct diversion from pumpsites for initial filling and maintaining water levels in the marshes.

The application has been signed by Kyle Morey, stating they have access to both points of diversion. The applications were filed to obtain water for a duck marsh. The place of use will be said marsh (50 surface acres), located in the Northeast Quarter of Section 24, Township 33 South, Range 20 East, Labette County, Kansas. The applicants own the entire place of use.

The requested quantity of water under these applications (150 acre-feet) was determined by inundating the 50-acre marsh area with 2.0 feet of water (100 acre-feet); at 1.5 fills per calendar year, to offset indirect loss of water (50 acre-feet). Typically, these types of marshes are filled in October prior to waterfowl migration. The quantity calculation is listed below:

50 acres x 2.0 feet = 100 AF fill

Additional water to offset indirect losses = 50 AF
1.5 fills per year to cover indirect losses

100 AF + 50 AF = 150 AF

The closest surface water right (File No. 29,549) is a little under 0.5 mile downstream of the pumpsite proposed by File No. 50,533. The approval of this application should not impact any senior water users. Seven landowners were identified as being within ½ mile upstream and downstream of the applicant’s land. Nearby notification letters outlining the proposed applications were mailed on January 28, 2022. No responses of any kind were received.

Janelle Phillips, Stream Obstruction Team Lead, spoke with the applicant and reviewed both applications. It was determined that no structures permitting would be required. In an email conversation with Brent Turney on October 28, 2021, it was confirmed that this location is not a part of any National

Resources Conservation Service (NRCS) easement, therefore no Compatible Use Agreement between the applicant and NRCS will be required.

Per K.A.R 5-3-15, this application will be subject to specific conditions, which stipulate strict requirements for direct surface water diversion. These conditions include the stipulation that no diversion shall occur unless there is water available to satisfy all demands by senior water rights and permits, written or verbal permission from the Chief Engineer, or an authorized representative is required prior to diverting water, and streamflow cannot be stopped at the first riffle below the point of diversion while diversion is taking place. This application also complies with K.A.R 5-3-15 (c)(5) because the proposed use of water for recreational use is typically during the fall season, and there is no need for direct diversion of water from July 1 through September 30.

The applicant has submitted a signed Minimum Desirable Streamflow form, which has been properly notarized. By completing this statement, the applicant affirms his/her knowledge that there could be times when the diversion of water may not be allowed under this permit.

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.

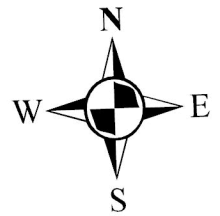
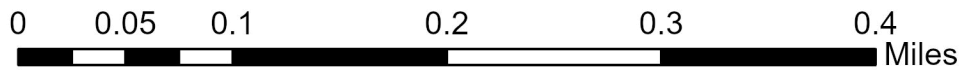
In an email discussion on June 21, 2022, Katie Tietsort, Water Commissioner of the Topeka Field Office, recommended approval of the referenced applications.




Based on the above discussion, the area is open to new appropriations, no water structures permit is required, no NRCS involvement is needed, approval will provide flexibility for the marsh, and there is no indication that the proposed beneficial use of water will impair existing water rights. Therefore, it is recommended that the referenced applications be approved.



Kris Neuhauser
New Applications Lead
Water Appropriation Program

APPROPRIATION OF WATER, FILE NOS. 50,533 & 50,534



	Pumpsite: 4714 feet N, 1512 feet W 24-33S-20E		Water Control Structure: 2760 feet N, 761 feet W 24-33S-20E
	Place of Use: 50 acre marsh		

KRIS NEUHAUSER
6/22/2022
DWR HQ - MANHATTAN



From: Neuhauser, Kris [KDA]
Sent: Tue 6/21/2022 10:10 AM
To: Tietsort, Katie [KDA]
Cc: Bunger, Brett [KDA]
Subject: RE: 50533 & 50534 recommendation request

No problem, thanks! I'll get this one moving up the chain!

Kris

From: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Sent: Tuesday, June 21, 2022 9:10 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Cc: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>
Subject: RE: 50533 & 50534 recommendation request

Perfect, thank you!

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: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Monday, June 20, 2022 3:09 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Cc: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>
Subject: RE: 50533 & 50534 recommendation request

Katie, sounds great about the Q..

and yup, that's exactly what I was going to draft up for the new PU.

Kris Neuhauser

New Applications Lead
Kansas Department of Agriculture, Division of Water Resources
Phone: 785-564-6643

From: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Sent: Monday, June 20, 2022 12:55 PM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Cc: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>
Subject: RE: 50533 & 50534 recommendation request

Hi Kris,

I am on board with what you are proposing. I think the Q is fine overall , and a new map with the original PU extended over to Udall RD, south along that road to the tree-line then west over to where at least the ag field separates the east field, is that the 50 A?

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: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>

Sent: Monday, June 20, 2022 12:08 PM

To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>

Cc: Bungler, Brett [KDA] <Brett.Bunger@ks.gov>

Subject: 50533 & 50534 recommendation request

Morning Katie,

Attached is my draft memo for 50533 and 50534; another set of marsh apps from Kyle Morey. He settled on 12 inches of dirt work for the project –Janelle let him know that no structures permitting will be required. He sent the sketch I attached above, and outlined his plans in a couple emails to us:

“I hope this small sketch will clear things up in regards to what I want to accomplish. Where I marked X's and the letter A is where I would like to make roughly an 12" terrace for about 100 feet or 200 feet. This is also where my farming tenant requested I rebuild an old terrace to prevent erosion. My hopes were to place an erosion control device in this berm/terrace. In addition, I was wanting to place an 12" box structure somewhere where I marked "box". This would allow me to contain erosion when water flows back to the north towards the creek. I sketched a rough outline where that would allow me to have water for the "marsh" as well. After talking with my farm tenant this is what we wanted to do to improve the farming and allow me to pump water if I wanted to. Hopefully this is clearer than what you were looking at... I remember Doug and I had drawn a few items which would certainly appear much larger... The reason I asked for 50 acre feet of water is because most of the time there is a lot of loss/soaking into the field where ag practices are performed.”

“What I have outlined is an estimated area which would flood with levees of 12" or less. I would like to request approximately 50 acres of water appropriation if possible.... As you look at my map I will eventually flood the entire east side along Udall Rd (the brown portion)... But for the meantime I can flood 22 acres approximately. In a dry year I would think the most I would need would be 44 acre feet. More or less I would need to fill it twice to accommodate evaporation, soaking into the soils, etc.”

I think the quantity calculation Doug came up with still suffices for the situation. I measured the entire east side (brown portion) as Kyle mentions. That area he could potentially flood comes out to be about 50 acres, which is exactly what Doug used. I would just create a more accurate PU map upon approval. The quantity would work itself out during perfection after all. My only other question would be: I assume I need to alter the PD for the water control structure (50534)? With Kyle’s description above, I could come up with a new, accurate location.

Let me know what you think on all this. I would alter my memo a bit of course. Thanks!

Kris Neuhauser

New Applications Lead

Kansas Department of Agriculture, Division of Water Resources

Phone: 785-564-6643

From: Kyle Morey
Sent: Fri 6/10/2022 12:19 PM
To: Neuhauser, Kris [KDA]
Subject: Re: 50533 & 50534 marsh area

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.

Chris,

Yes, my sketch is more accurate than Doug's. What I have outlined is an estimated area which would flood with levees of 12" or less. I would like to request approximately 50 acres of water appropriation if possible.... As you look at my map I will eventually flood the entire east side along Udall Rd (the brown portion)... But for the meantime I can flood 22 acres approximately. In a dry year I would think the most I would need would be 44 acre feet. More or less I would need to fill it twice to accommodate evaporation, soaking into the soils, etc.

Give me a call if we need to discuss.

-Kyle 417-214-3112

On Thu, Jun 9, 2022 at 10:13 AM Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov> wrote:

Hi Kyle,

I was out on parental leave for a couple months, but my review of your other two apps – 50533 and 50534 – is now done. Planned to send it to Katie Tietsort in Topeka to look over and provide a recommendation.

I attached the map submitted with the original app that Doug drafted up. Also attached this sketch you had (that you emailed to Janelle Phillips). Do you have any updated maps/drawings you'd like to send my way? I wondered after talking with Janelle if you drafted up anything new. Want to make sure I'm sending Katie the correct info. If that sketch you sent looks good, I'll re-measure the area of the marsh. Doug had it at 50 acres – but that sketch looks to be more in the ballpark of 21 acres.

Just let me know, appreciate it!

Kris Neuhauser

New Applications Lead

Kansas Department of Agriculture, Division of Water Resources

Phone: 785-564-6643

From: Kyle Morey <moreeaseinc@gmail.com>
Sent: Monday, February 14, 2022 9:32 AM
To: Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>
Cc: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: Re: WR 50534 Woods Farms

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Thank you very much. I appreciate you.

Sent from my iPhone

On Feb 14, 2022, at 9:17 AM, Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov> wrote:

□

Since you will be placing 12 inches or less of fill then a DWR structures' permit will not be required. Kris will be reaching out for any issues on your water right application.

Janelle Phillips, P.E., CFM
Stream Obstruction Team Lead
Water Structures Program
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
Office: 785-564-6656
Cell: 785-307-8292
Janelle.phillips@ks.gov

From: Kyle Morey <moreeaseinc@gmail.com>
Sent: Thursday, February 10, 2022 1:10 PM
To: Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>
Subject: Re: Fwd:WR 50534 Woods Farms

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Janelle,

I went to this location a couple days ago with a laser. I will be able to accomplish everything I want to with dirt work less than or equal to 12"... This is what my plan will be for this farm.

Thank you and let me know if you need any other information.

-Kyle

On Mon, Jan 31, 2022 at 8:41 AM Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov> wrote:

Kyle –

Thank you for the information on your plans for this project. The 18in tall terrace and the box structure will require permitting from DWR. Please have Frank at AG Engineering put together the construction plans for your proposed marsh.

Janelle Phillips, P.E., CFM
Stream Obstruction Team Lead
Water Structures Program
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
Office: 785-564-6656
Cell: 785-307-8292
Janelle.phillips@ks.gov

From: Kyle Morey <moreeaseinc@gmail.com>
Sent: Friday, January 28, 2022 4:08 PM
To: Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>; Mathos, Sheila [KDA] <Sheila.Mathos@ks.gov>
Subject: Fwd:

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.

Janelle,

I apologize for not having my ducks in a row. I hope this small sketch will clear things up in regards to what I want to accomplish. Where I marked X's and the letter A is where I would like to make roughly an 18" terrace for about 100 feet or 200 feet. This is also where my farming tenant requested I rebuild an old terrace to prevent erosion. My hopes were to place an erosion control device in this berm/terrace. In addition, I was wanting to place an 18" box structure somewhere where I marked "box". This would allow me to contain erosion when water flows back to the north towards the creek. I sketched a rough outline where that would allow me to have water for the "marsh" as well. After talking with my farm tenant this is what we wanted to do to improve the farming and allow me to pump water if I wanted to. Hopefully this is clearer than what you were looking at... I remember Doug and I had drawn a few items which would certainly appear much larger... The reason I asked for 50 acre feet of water is because most of the time there is a lot of loss/soaking into the field where ag practices are performed.

Once again... I am sorry. Call me anytime 417-214-3112.

----- Forwarded message -----
From: sam gariss <gariss-s@hotmail.com>
Date: Fri, Jan 28, 2022 at 3:53 PM
Subject:
To: Kyle Morey <moreeaseinc@gmail.com>

From: Turney, Brent - NRCS, Emporia, KS
Sent: Thu 10/28/2021 11:51 AM
To: Neuhauser, Kris [KDA]
Subject: RE: marsh apps - easement?

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I have good news for you, there is no easement associated with this wetland!
Thanks for the opportunity to comment!
Thanks,
Brent

Brent Turney

Easement Specialist
3020 W. 18th Ave Suite B
Emporia, KS 66801
Office 620-487-3413
Cell 620-682-3538
brent.turney@usda.gov

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Thursday, October 28, 2021 11:09 AM
To: Turney, Brent - NRCS, Emporia, KS <Brent.Turney@usda.gov>
Subject: marsh apps - easement?

Morning Brent,

Yet another marsh.. Structures is reaching out to get a floodplain fill permit. Any NRCS easements at this location? Doug has a rough map he created when assisting with the app. 24-33S-20E on the Neosho, Labette county.

Appreciate it!

Kris Neuhauser
New Applications Lead
Kansas Department of Agriculture, Division of Water Resources
Phone: 785-564-6643

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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. 50,534** of the applicant

SHANDI & KYLE MOREY
146 SE 40TH LN
LAMAR, MO 64759

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 5, 2021**.
2. That the water sought to be appropriated shall be used for recreational use in a marsh with a maximum surface area of 50 acres located in the Northeast Quarter (NE $\frac{1}{4}$) of Section 24, in Township 33 South, Range 20 East, Labette County, Kansas.
3. That the appropriation sought shall be limited to all natural flows of Labette Creek (Neosho River), 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 150 acre-feet per calendar year in one (1) reservoir created by a water control structure located in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 24, more particularly described as being near a point 2,760 feet North and 761 feet West of the Southeast corner of said section, in Township 33 South, Range 20 East, Labette County, Kansas.
4. That installation of works for diversion of water shall be completed on or before **December 31, 2023** 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.
5. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2027** 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.

6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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).
12. 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.
13. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
14. 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.
15. That the stream flow shall not be stopped at the first riffle below the point of diversion while diversion is taking place under the authority of this water right or permit.
16. That diversion of natural flows shall not take place unless there is water available to satisfy all demands by senior water rights and permits.
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. 82a-703c for the source of supply to which this water right applies.
18. That during the period October 1 through June 30, the verbal or written permission of the Chief Engineer, or an authorized representative of the Chief Engineer, shall be obtained in order to divert water each time the applicant desires to divert water.

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

September 15, 2022

SHANDI & KYLE MOREY
146 SE 40TH LN
LAMAR, MO 64759

RE: Appropriation of Water, File Nos. 50,533 & 50,534

Dear Mr. Morey:

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 these permits.

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 these permits. If you need an extension of time, you must request it 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.

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 applications constitutes permits 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 rights. 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: kjn
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 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.

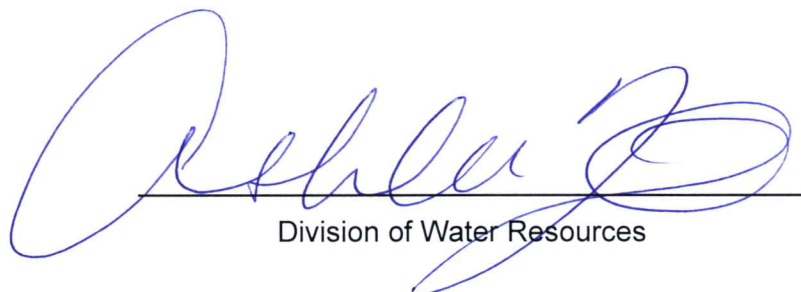
CERTIFICATE OF SERVICE

On this 15 day of September, 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,534, dated 12 September 2022 was mailed postage prepaid, first class, US mail to the following:

SHANDI & KYLE MOREY
146 SE 40TH LN
LAMAR, MO 64759

With photocopies to:

Topeka Field Office



Division of Water Resources