

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

1. File Number: <div style="text-align: center; font-weight: bold; font-size: 1.2em;">50702</div>	2. Status Change Date: <div style="text-align: center; font-weight: bold; font-size: 1.2em; color: purple;">6/15/2023</div>	3. Field Office: <div style="text-align: center; font-weight: bold; font-size: 1.2em;">01</div>	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 <u>67737</u> Add Seq# _____</p> <p>PREHEIM AG 565 QUAIL CREEK PEABODY, KS 66866</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____</p>
<p>7b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____</p> <p>7A</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 Agree <input type="checkbox"/> Yes <input type="checkbox"/> No 7a</p> <p>Notarized WUC Form <input type="checkbox"/></p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p> <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input checked="" 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: 12/31/2024 11. Perfection Date: 12/31/2028 12. Exp Date: _____

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

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

<p>Date Prepared: 3/13/23 By: BMM</p> <p>Date Reviewed: 6/15/2023 By: KAK</p> <p>Date Entered: 6/19/2023 By:</p> <p style="text-align: right; margin-right: 50px;">LMoody</p>

File No. **50702** 15. Formation Code: **540** Drainage Basin: **Cottonwood River** County: **Marion** 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 mgy	Rate gpm	Quantity mgy	Overlap PD Files
MOD			89231	NE SE SE	18	22S	4E	1	1130	375 *	100	32.15	100	0	NA
ENT			90397	NE SE SE	18	22S	4E		1130	100 W1	Batt 1 of 2				
ENT			90398	NW SE SE	18	22S	4E		1130	650 W2	Batt 1 of 2				
BATTERY ID #2356															

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

19. Limitation: **32.15** mgy at _____ gpm (_____ cfs) when combined with file number(s) **50,536**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

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

21. Place of Use				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			70295	17	22S	4E	1	Feedlot Facility in West half of NE ¼ and N/2 of SW 1/4 of 17-22S-4E																	7a	N	50,536

Comments: ***Geographical Center Battery of Two (2) Wells**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: March 23, 2023

FROM: Brandon Milner

RE: New Application,
File No. 50,702

Preheim Ag has filed an application to appropriate groundwater for stockwater use, requesting a battery of two wells (2) for a quantity of 32.15 million gallons (98.67 acre-feet) at a diversion rate of 100 gallons per minute. The proposed point of diversion will be a battery of two wells with a geographical center located in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 18, in Township 22 South, Range 4 East in Marion County. The entire place of use is owned by Preheim Ag, and the applicant has signed the application form stating that he has legal access to the point of diversion.

This application does overlap with current water appropriation no. 50,536 as the current well does not meet the quantity requirements of the feedlot and additional wells are needed. The proposed quantity of water is 32.15 million gallons per year would be used for stockwatering for approximately 4,500 head of cattle. With providing the 15 gallons per head of cattle, this would equate to 24.64 million gallons. However, the applicant wishes to use 6,048 gallons per year for sanitation purposes and 7.5 million gallons per year for other farm and feedlot needs. This has been discussed with the Topeka Field Office and deemed to be a reasonable request. This adds up to the 32.15 million gallons requested by the application. Hence application 50,702 will be limited to 32.15 million gallons when combined with Water Appropriation No. 50,536.

The source of water based on well logs submitted with the application is the Chase Group. Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer, provided an area of consideration of 8,042 acres. With a potential annual recharge of 3.6 inches, and 100% of recharge available for appropriation, safe yield was determined to be 2,412.74 acre-feet. There is one other groundwater appropriation within two miles but this leaves 2,314.07 acre-feet available for appropriation, so this application complies with safe yield.

There is one groundwater appropriation within one half mile of this application and no domestic wells within one half mile. This application meets the standard spacing of 1320' for nearby water rights/appropriations and 660' for nearby domestic wells from the point of the diversion as per the requirements in K.A.R. 5-4-4.

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

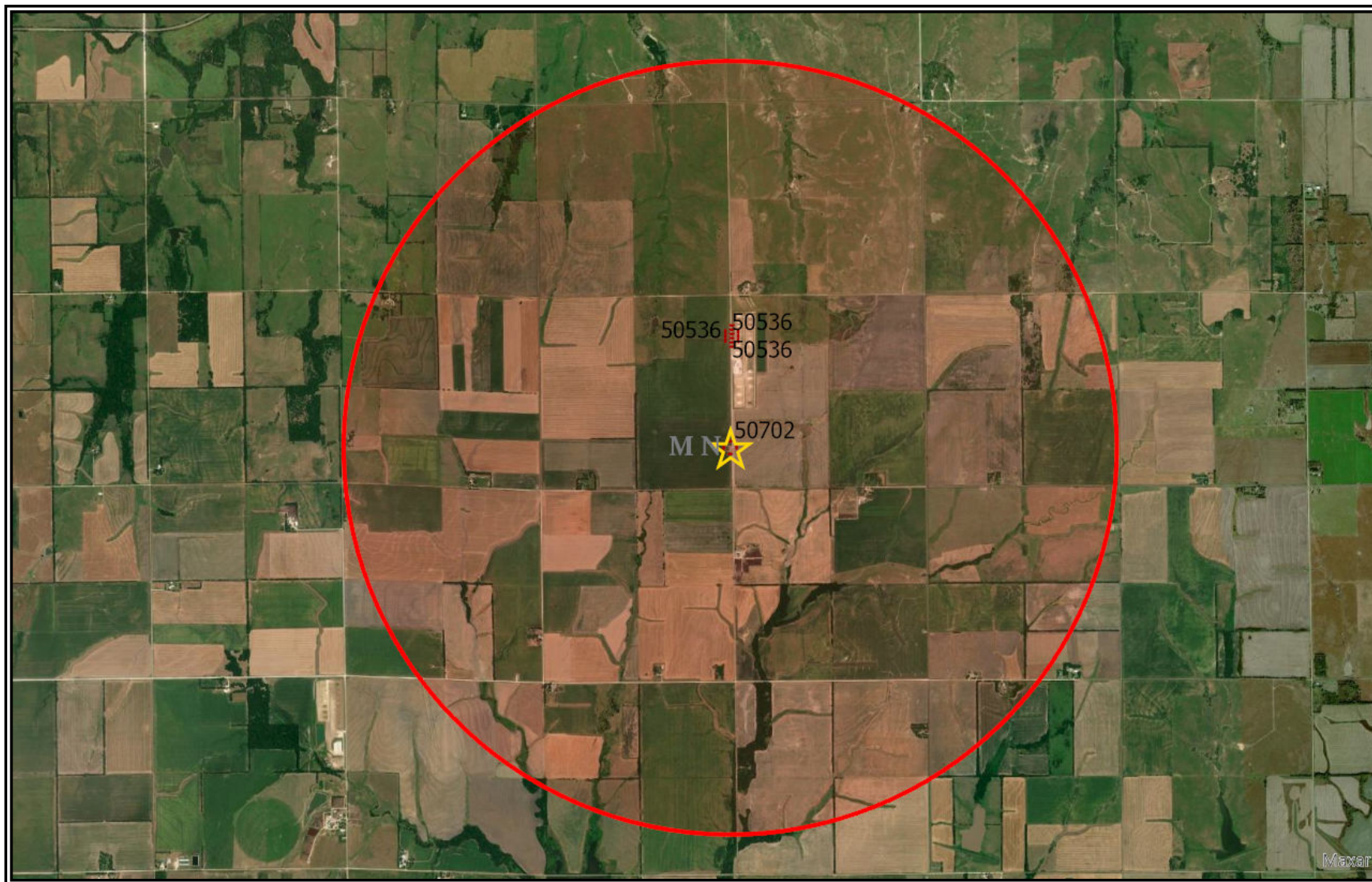
his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

This application was sent to the Stafford Field Office on March 23, 2023 and was recommended for approval on June 8th, 2023. This application will be limited to Water Appropriation No. 50,536 to 32.15 million gallons per year.

Based on the above discussion, the area is open to new appropriations, the application complies with safe yield and well spacing criteria, approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. It is recommended that the referenced new application be approved.

Brandon Milner
Environmental Scientist
Manhattan Headquarters

Safe Yield Report Sheet
Water Right- A5070200
Point of Diversion in 18-22S-04E
Footages from SE corner- 1,130 feet North 100 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 2,412.74 AF.

Total prior appropriations in the circle is 197.33 AF.-98.67=98.66

Total quantity of water available for appropriation is 2,215.41 AF= 2314.07 AF

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 3.6 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 13-MAR-2023 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 2 water rights and 4 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 50536 00	STK	GY	G		SW	SW	NW	4082	5308	17	22	04E	1	WR	98.67	98.67		
Same	STK	GY	G		NW	SW	NW	4318	5309	17	22	04E	2	WR				
Same	STK	GY	G		NW	SW	NW	4200	5309	17	22	04E	3	WR				
A 50702 00	STK	AY	G		NE	SE	SE	1130	100	18	22	04E	1	WR	98.67	98.67		

From: Bunger, Brett [KDA]
Sent: Fri 6/9/2023 2:46 PM
To: Lanterman, Jeff [KDA]; Milner, Brandon [KDA]
Cc: Conant, Cameron [KDA]
Subject: RE: Preheim Ag Questions 50702

Jeff, I have debated this a couple times. I guess I really don't care either way. I was initially concerned that it would become lost because it will be defined in a drainage basin that we don't have anything to do with. But after putting more thought in it, it only makes sense to keep it all together. Brandon, please designate this as a TFO file and we will take care of it. And for the record I have no objections to its approval either.

From: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Sent: Thursday, June 8, 2023 2:37 PM
To: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>; Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: FW: Preheim Ag Questions 50702

Brandon I don't have any objections to the approval of this application.

Brett we were wondering about whether or not this one should be in your field office. The majority if the operation (entire PU and battery of 2 wells) is in the TFO.

Would probably be better for everyone involved if they only had one field office to deal with with for inspections, FIR's, changes etc.

Whatcha think?

Jeff

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Thursday, June 8, 2023 11:33 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Preheim Ag Questions 50702

Jeff, Brandon sent this request a while ago. You can refresh yourself with the email string. This is a new feedyard spanning TFO area and SFFO area. I don't have a problem with approval of this application, 50702 is the only well in our area and it is a long ways from any nearby wells spacing and distance to nearby wells is met. The test log is attached.

Please take a look at the attached application map. I don't have much interest in keeping a single file in our area when the majority of the feedlot and the rest of the wells are in TFO area and I'm sure the owners would also appreciate dealing with a single field office. Do you think we should try to get this moved over to TFO area, and if so how do we get that done?

Cameron

From: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Sent: Tuesday, February 7, 2023 4:20 PM
To: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Cc: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: RE: Preheim Ag Questions 50536

Concur on the free to fail. As long as neighbors are protected.

I wonder about housing all these overlapped water appropriations in TFO since they have almost the entire project?

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

Sent: Tuesday, February 7, 2023 2:45 PM

To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>;
Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>

Cc: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>

Subject: RE: Preheim Ag Questions 50536

Cameron, that has always been a question in my mind. But, it is a free country. You are free to fail as much as you want. I would assume that they won't shove 4500 head in there until they have verified the source.

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>

Sent: Tuesday, February 7, 2023 2:18 PM

To: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>; Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>; Lanterman,
Jeff [KDA] <Jeff.Lanterman@ks.gov>

Cc: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>

Subject: RE: Preheim Ag Questions 50536

Jeff can weigh in on this after their meeting.

Looks like there are no other water rights in the 2 mile circle at all and the original SY for 50536 allowed ~1800 AF, so I agree that SY won't be an issue and it seems that spacing is good also. I don't mind if they submit another new application for additional water on top of pending 50702 (if you decide to bump it clear to the top and work it with 50702-that is your call from new apps standpoint). I'm ok if they submit a term permit with that application to cover the additional usage until we can approve 50702 and whatever is filed on top of it for additional water. I don't generally like to do that, but in this case there are no other pending files in the 2 mile area so it doesn't matter much.

I haven't dug into this at all, Brett and Brandon maybe have a little more feel on this. Do they have real water that will support this increase to 4500 head? The well log for 50536 is bad, probably won't be much different anywhere else they drill in this area but they seem to be banking on stacking a bunch of water rights on 50702.

Cameron

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

Sent: Tuesday, February 7, 2023 1:43 PM

To: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>;
Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>

Cc: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>

Subject: RE: Preheim Ag Questions 50536

That is correct Brandon. There is not much out in this area so getting approval should not be difficult. A package deal only makes sense.

From: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>

Sent: Tuesday, February 7, 2023 1:39 PM

To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>

Cc: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Bunger, Brett [KDA] <Brett.Bunger@ks.gov>

Subject: RE: Preheim Ag Questions 50536

Yes indeed. I had talked to Brett this morning and I will loop him in here from now on. He was the one who suggested that the applicant file a new application and tie it to 50,702 as a package deal. That's kind of what you were thinking correct Brett?

Brandon

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Tuesday, February 7, 2023 1:14 PM
To: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: RE: Preheim Ag Questions 50536

Brandon, this is an odd one. Appropriation No. 50536 is in Topeka Field Office area. Pending Application No. 50702 is just over the boundary in our area. At this time, all but a couple acres of the p/u are in the TFO area. Anything we do here needs to incorporate TFO. Thoughts?

Cameron

From: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Sent: Tuesday, February 7, 2023 11:09 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Cc: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: Preheim Ag Questions 50536

Good morning everyone,

I have a question about an approved application and one that I'm almost ready to start. Preheim Ag is proposing a feedlot in Marion County with approved application no. 50,536 and pending application 50,702. This is a new feedlot that the manager is proposing filling with 4,500 head of cattle as soon as next month. They do not currently have the capacity to water this many head of cattle based on the approval of 50,536 and 50,702 (if approved). They are proposing sending in another application as current wells are not producing as much as they would have liked but even if they sent it in today it may take months to review it.

What kind of options would could be looked at in this situation? The applicant has informed me that they do have another set of wells that they want to send in an additional application or two to bring more quantity into the situation. I know in the past that DWR has discouraged term permits on wells have no prior permitting on them.

Just an idea that was suggested to me. What if the applicant sent in a new application now that could be piggybacked on 50,702 when I start working on it? Would that be something that would be considered or would that be jumping too much of the queue at this point?

Brandon Milner
Environmental Scientist
Water Appropriation Program

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,702** of the applicant

**PREHEIM AG
565 QUAIL CREEK
PEABODY KS 66866**

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 **January 10, 2022**.
2. That the water sought to be appropriated shall be used for stockwatering in the West Half of Northwest Quarter ($W\frac{1}{2}$ NW $\frac{1}{4}$) and North Half of the Southwest Quarter ($N\frac{1}{2}$ SW $\frac{1}{4}$) of Section 17, in Township 22 South, Range 4 East, Marion County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means a battery of two (2) wells with a geographical center located in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 18, more particularly described as being near a point 1,130 feet North and 375 feet West of the Southeast corner of said section, in Township 22 South, Range 4 East, Marion 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 **100 gallons per minute (0.22 c.f.s.)** and to a quantity not to exceed **32.15 million gallons of water (98.67 acre-feet)** for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2024**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2028**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with 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).

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

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

16. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

16. That the quantity of water approved under this permit is further limited to the quantity which combined with Appropriation of Water, File No. 50,536, will provide a **total not to exceed 32.15 million gallons** of water per calendar year for stockwatering use at the place of use described herein.

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

Ordered this *15* day of *June*, 2023, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

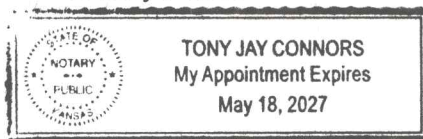
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this *15* day of *June*, 2023, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Tony Jay Connors

Notary Public



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



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

Mike Beam, Secretary

Laura Kelly, Governor

June 22, 2023

WESLEY SHAW
PREHEIM AG
565 QUAIL CREEK
PEABODY KS 66866

RE: Appropriation of Water
File Nos. 50,702, 50,972 and 50,973

Dear Mr. Shaw:

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 the permits.

Notices must be filed on the enclosed forms once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of the permits. If you need 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, per file number.

Acceptable water flowmeters must be installed on the diversion works authorized by these permits prior to using water. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed, and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

The approval of your applications constitutes permits to appropriate water. They do not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. They do not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Also included is an informational sheet that sets forth the procedure to obtain 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/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 Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

KAB:kak:bmm
Enclosure(s)
pc: Stafford 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 22 day of June, 2023, I hereby certify that the foregoing Approvals of Applications and Permits to Proceed, File No. 50,702, 50,972 and 50,973, dated June 15, 2023, was mailed postage prepaid, first class, US mail to the following:

PREHEIM AG
565 QUAIL CREEK
PEABODY KS 66866

With photocopies to:

KDA-DWR Stafford Field Office



Division of Water Resources