

File No. **50,870** 15. Formation Code: Drainage Basin: **Kansas River** County: **WB** 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				89802	NW NW NE	22	10S	10E	2	5200	2476	(Geo Center)	800	160	800	160	none
CHK				89803	NW NW NE	22	10S	10E	2	5200	2175	(Batt 1 of 2)					
CHK				89804	NE NE NW	22	10S	10E	2	5200	2775	(Batt 1 of 2)					

1/19/2024
KAB
2475

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ 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 **12/31/2025** Date Acceptable Meter Installed _____

21. Place of Use T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner Files	Chg? NO	Overlap			
						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	71009	22	10S	10E	2					LOT 1				LOT 4	LOT 5	LOT 6					52.50	52.99	53.47	40.00	198.96	7a	no	none

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: January 5, 2024

FROM: Kris Neuhauser

RE: Application, File No. 50,870

Seaworth Ag Enterprises Inc. has filed the above-referenced application requesting to appropriate 160 acre-feet of groundwater for irrigation use at a maximum diversion rate of 800 gallons per minute, from a battery of two (2) wells with a geographical center located in the Northeast Quarter of Section 22, Township 10 South, Range 10 East, Wabaunsee County, Kansas. The application has been signed by the applicant, stating he has access to the point of diversion. The place of use will consist of 198.96 acres located in the Northwest and Southwest Quarters of Section 22, Township 10 South, Range 10 East, Wabaunsee County, Kansas. Seaworth Ag Enterprises Inc. owns the entire place of use.

The requested quantity of water under this application (160 acre-feet) is well below the maximum reasonable quantity for irrigation use in Wabaunsee County.

198.96 acres x 1.1 acre-feet per acre = 218.86 acre-feet

Five well owners were identified within one-half mile of the proposed point of diversion. Nearby notification letters outlining the application were mailed on January 3, 2024. No responses of any kind have been received to date.

The source of supply appears to be Kansas River alluvium. The closest domestic well is roughly 1,610 feet away and the closest non-domestic well is roughly 1,710 feet away from the geocenter of the proposed battery of two wells. Therefore, according to K.A.R. 5-4-4, spacing criteria is met.

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.

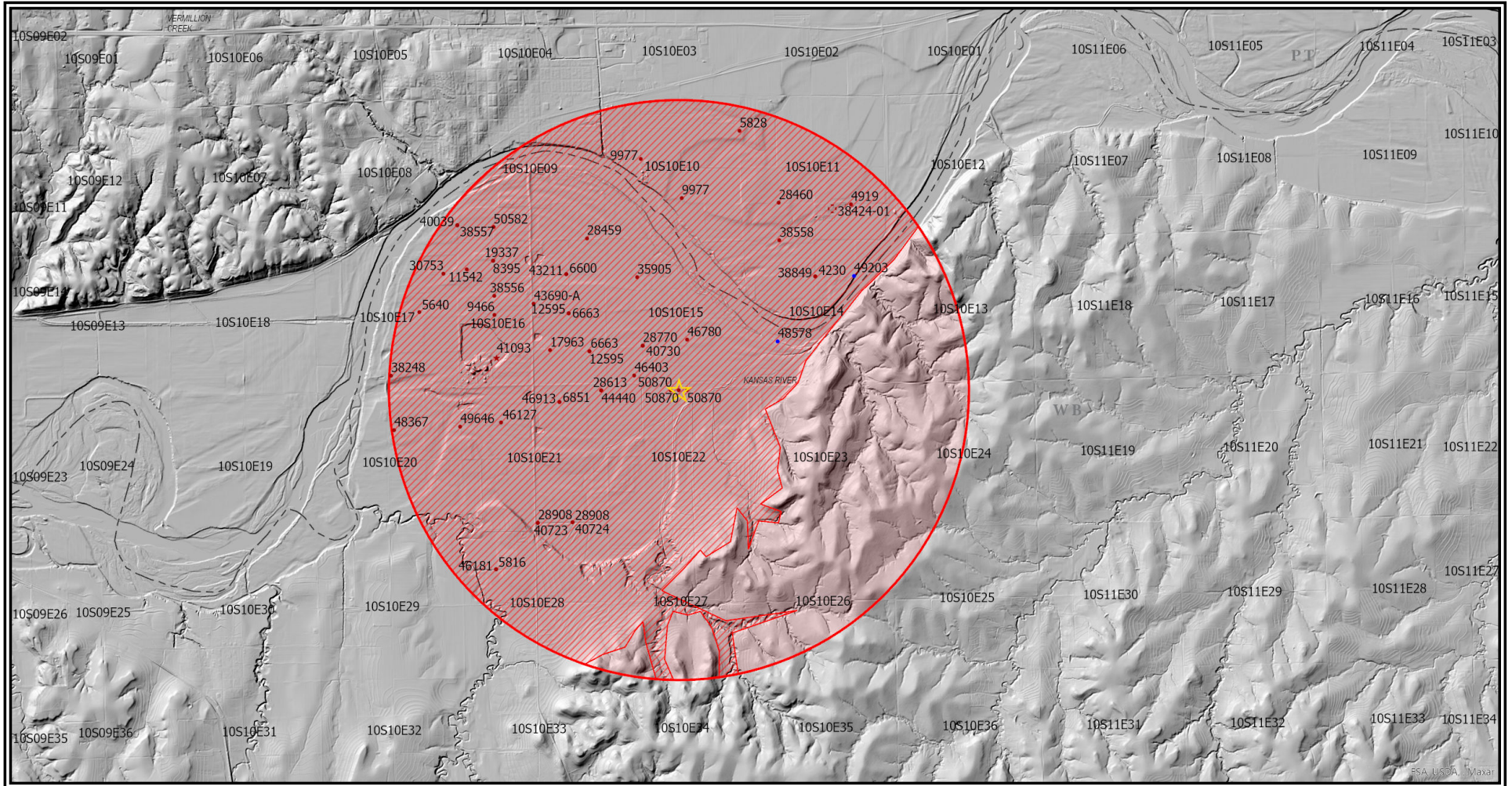
In an email discussion on January 12, 2024, Brett Bungler, Water Commissioner of the Topeka Field Office, recommended approval of the referenced application.

Based on the above discussion, the area is open to new applications, meets spacing requirements, and there is no indication that the proposed beneficial use of water will impair existing water rights. Therefore, it is recommended that the referenced application be approved.



Kris Neuhauser
New Applications Lead
Water Appropriation Program

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 22-10S-10E
Footages from SE corner- 5,200 feet North 2,475 feet West



Analysis Results

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

50870 PASSES SY*

The safe yield based on the variables listed below is 3,119.23 AF.

Total prior appropriations in the circle is 3,012.93 AF. **- 160 AF = 2852.93 AF**

Total quantity of water available for appropriation is ~~106.31 AF~~

266.3 AF AVAILABLE*

Safe Yield Variables

The area used for the analysis is set at 5,941 acres.

The potential annual recharge at the circle center is estimated to be 8.4 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 05-JAN-2024 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 45 water rights and 39 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 4230 00	IRR	NK	G					3950	2625	14	10	10E	1	WR	111.00	111.00	566.00	566.00
A 4919 00	IRR	NK	G			NC	SE	1250	1300	11	10	10E	1	WR	132.00	132.00	566.00	0.00
A 5640 00	IRR	NK	G					2810	1490	17	10	10E	8	WR	160.00	160.00	243.70	243.70
A 5816 00	IRR	NK	G		NE	SW	NW	3930	4090	28	10	10E	3	WR	124.00	124.00	198.00	198.00
A 5828 00	IRR	NK	G					3960	25	10	10	10E	5	WR	90.00	90.00	80.00	80.00
A 6600 00	IRR	NK	G		CW	E2	NE	3960	1300	16	10	10E	14	WR	33.00	33.00	80.00	80.00
A 6663 00	IRR	NK	G		NC	E2	SE	1320	660	16	10	10E	3	WR	180.00	180.00	160.00	160.00
Same	IRR	NK	G			CN	SE	2630	1320	16	10	10E	2	WR				
A 6851 00	IRR	NK	G		NE	NW	NE	4750	1800	21	10	10E	5	WR	60.00	60.00	51.00	51.00
A 8395 00	IRR	NK	G		SE	NW	NW	4577	4029	16	10	10E	16	WR	30.00	30.00	79.00	79.00
A 9466 00	IRR	NK	G			CN	SW	0	0	16	10	10E	5	WR	53.00	53.00	60.00	60.00
A 9977 00	IRR	NK	G					3014	3649	10	10	10E	1	WR	205.00	205.00	175.00	175.00
Same	IRR	NK	G					1550	2187	10	10	10E	2	WR				
A 11542 00	IRR	NK	G		SW	NW	NW	0	0	16	10	10E	6	WR	47.00	47.00	79.00	0.00
A 12595 00	IRR	NK	G		NC	E2	SE	1320	660	16	10	10E	3	WR	15.00	0.00	160.00	0.00
Same	IRR	NK	G			CN	SE	2630	1320	16	10	10E	2	WR				
A 17963 00	IRR	NK	G		CN	SW	SE	0	0	16	10	10E	7	WR	80.00	80.00	160.00	0.00
A 19337 00	IRR	NK	G		SE	NW	NW	4577	4029	16	10	10E	16	WR	77.00	0.00	79.00	0.00
A 28459 00	IRR	NK	G		SE	SE	SE	7	636	09	10	10E	10	WR	90.00	90.00	110.00	110.00
A 28460 00	IRR	NK	G			NC	SW	1350	3970	11	10	10E	4	WR	80.00	80.00	80.00	80.00
A 28613 00	IRR	NK	G		NE	NE	NE	5048	155	21	10	10E	6	WR	70.00	70.00	119.00	119.00
A 28770 00	IRR	NK	G					1350	3900	15	10	10E	1	WR	86.00	86.00	92.50	92.50
A 28908 00	IRR	NK	G		SW	SW	SE	259	2579	21	10	10E	4	PD	37.00	37.00	143.00	143.00
Same	IRR	NK	G		SW	SE	SE	251	1309	21	10	10E	3	PD	29.00	29.00		
A 30753 00	IRR	NK	G		SE	NE	NE	4100	450	17	10	10E	2	WR	50.00	50.00	50.00	50.00

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 35905 00	IRR	NK	G					4095	3984	15	10	10E	4	WR	93.00	93.00	151.00	151.00
A 38248 00	IRR	NK	G					505	2500	17	10	10E	7	WR	59.00	59.00	66.00	66.00
A 38424 01	STK	NK	G		NE	SW	SE	1110	1940	11	10	10E	7	WR	27.04	27.04		
A 38556 00	IRR	NK	G		NC	S2	NW	3294	3914	16	10	10E	10	WR	27.00	27.00	243.70	0.00
A 38557 00	IRR	NK	G					590	5358	09	10	10E	7	WR	31.00	31.00	37.50	37.50
A 38558 00	IRR	NK	G		NW	NE	NW	5250	3900	14	10	10E	5	WR	101.00	101.00	152.00	152.00
A 38849 00	IRR	NK	G					3950	2625	14	10	10E	1	WR	117.00	6.00	566.00	0.00
A 40039 00	IRR	NK	G					590	5358	09	10	10E	7	WR	26.00	26.00	27.00	27.00
A 40723 00	IRR	NK	G		SW	SW	SE	259	2579	21	10	10E	4	WR	51.00	14.00	143.00	0.00
A 40724 00	IRR	NK	G		SW	SE	SE	251	1309	21	10	10E	3	WR	44.00	15.00	143.00	0.00
A 40730 00	IRR	NK	G					1350	3900	15	10	10E	1	WR	53.00	13.00	92.50	0.00
A 41093 00	IND	LR	G		NE	SW	SW	1000	4000	16	10	10E	11	WR	142.09	142.09		
A 43211 00	IRR	NK	G		CW	E2	NE	3960	1300	16	10	10E	14	WR	33.00	0.00	80.00	0.00
A 43690 A	IRR	NK	G		SW	SW	NE	2960	2600	16	10	10E	15	WR	15.00	15.00	20.00	20.00
A 44440 00	IRR	NK	G		NE	NE	NE	5048	155	21	10	10E	6	WR	119.00	49.00	119.00	0.00
A 46127 00	IRR	NK	G		NW	SE	NW	3952	3843	21	10	10E	1	WR	106.00	106.00	133.00	133.00
A 46181 00	IRR	NK	G		NE	SW	NW	3930	4090	28	10	10E	3	WR	169.00	45.00	198.00	0.00
A 46403 00	IRR	NK	G		SE	SW	SW	500	4168	15	10	10E	5	WR	41.80	41.80	38.00	38.00
A 46780 00	IRR	NK	G					1775	2201	15	10	10E	7	WR	82.00	82.00	97.00	97.00
A 46913 00	IRR	NK	G		NE	NW	NE	4750	1800	21	10	10E	5	WR	39.00	0.00	51.00	0.00
A 48367 00	IRR	NK	G		NW	SW	NE	3773	2416	20	10	10E	6	WR	64.00	64.00	68.00	68.00
A 49646 00	IRR	LO	G		NE	SE	NE	3864	10	20	10	10E	8	WR	134.00	134.00	172.00	172.00
A 50582 00	IRR	GY	G					495	4032	09	10	10E	9	WR	15.00	15.00	24.50	24.50
A 50870 00	IRR	AY	G		NW	NW	NE	5200	2476	22	10	10E	2	WR	160.00	160.00	198.96	198.96
Same	IRR	AY	G		NW	NW	NE	5200	2175	22	10	10E	3	WR				
Same	IRR	AY	G		NE	NE	NW	5200	2775	22	10	10E	4	WR				

Limitations

File Number	Seq Num	Limitations
A 12595 00	1	1875GPM COM/W #6663 ✓
Same	2	180AF/YR COM/W #6663 ✓
A 19337 00	1	77AF/YR COM/W #8395 & 11542 ✓
A 38849 00	2	117AF/YR @775GPM COM/W #4230 ✓
A 40039 00	1	550AF/YR COM/W 38557 ✓
A 40723 00	2	385GPM @ 51AF/YR COM/W #28908 ✓
A 40724 00	2	330GPM @ 44 AF/YR COM W/28908 ✓
A 40730 00	2	99AF/YR @ 1000GPM COM/W #28770 ✓
A 43211 00	2	33AF/YR @ 780GPM COM/W #6600 ✓
A 44440 00	3	119AF/YR @ 800GPM COM/W #28613 ✓
A 46181 00	2	169AF/YR @ 670GPM COM/W #5816 ✓
A 46913 00	2	60 AF/YR @ 705 GPM COM/W #6851 ✓

From: Bungler, Brett [KDA]
Sent: Fri 1/12/2024 10:16 AM
To: Neuhauser, Kris [KDA]
Subject: RE: Application - 50870 rec request

Kris, I appreciate the extra thought on this one. In this case, whatever pivot they put up will not be able to irrigate all the acres so 160 AF should be more than reasonable. Please proceed with approval as is.

Thanks

Brett

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Friday, January 12, 2024 9:48 AM
To: Bungler, Brett [KDA] <Brett.Bunger@ks.gov>
Subject: RE: Application - 50870 rec request

Hey Brett,

Attached is a draft memo and SY report for 50870. Trimmed the area similar to Lloyd's pre-SY. Mine actually came out to have more water available. I know they filed for 160 AF based on that original SY.. and we can't technically go up in quantity on this app.

What do you think? Would they want more water via another app? (Max reasonable Q for the PU in WB county would be 218.86 AF, so my new SY would allow for that). Or should we just keep it simple and approve at 160?

Kris

From: Neuhauser, Kris [KDA]
Sent: Tuesday, January 2, 2024 2:43 PM
To: Bungler, Brett [KDA] <Brett.Bunger@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: RE: Application - 50870

I probably tried to overanalyze this one. I'm in agreement with staying consistent. The area I wasn't sure on was that SW side of the circle. I'll re-run a SY and get some nearby's sent!

Thanks Brett,

Kris

From: Bungler, Brett [KDA] <Brett.Bunger@ks.gov>
Sent: Tuesday, January 2, 2024 12:34 PM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: RE: Application - 50870

Kris, I have attached a pre-safe yield that Lloyd ran prior to filing this application. To start this off I am not prepared to say that a pre-safe yield carry's any weight, however, I do use them as a starting point. My quick review of his safe yield vs yours revealed a difference in the recharge area and the total prior appropriations. You actually show less prior appropriations than what Lloyds analysis showed, but the difference is only a few acre-feet. The big difference is the recharge area. To insure consistency I went back and looked at other safe yields that had been prepared in the area in the past. File Nos. 49496; 46780 & 46403 all had recharge areas that were very similar to what Lloyd represented. In my opinion, unless better information is available, I am going to suggest that we stay consistent with how previous safe yields had been ran. Otherwise, we need to be prepared to defend a new position. Please let me know if you need additional information.

Brett

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Tuesday, January 2, 2024 11:50 AM
To: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: RE: Application - 50870

No problem! I was going to send nearby's today, but ran a SY first. Made sure to double check all the limitations. Attached the report above.

Looks like it fails, based on the way I trimmed it at least.

From: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>
Sent: Wednesday, December 27, 2023 8:21 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: RE: Application - 50870

Thanks Kris. I appreciate the effort.

Brett

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Wednesday, December 27, 2023 8:18 AM
To: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Bunger, Brett [KDA] <Brett.Bunger@ks.gov>
Subject: RE: Application - 50870

No issues I'm aware of, just a product of the backlog 😞 I sent some nearby's last week that are super close in priority though. Should be able to kick this one off soon.

Kris

From: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Sent: Tuesday, December 26, 2023 10:23 AM
To: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>
Cc: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: RE: Application - 50870

I doubt there is any issue with it, but let's check with Kris. Kris is off today but back tomorrow.

Kristen Baum, Environmental Scientist
DWR – Water Appropriations

From: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>
Sent: Tuesday, December 26, 2023 10:06 AM
To: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: Application - 50870

Kristen, I received an email from the applicant a couple days ago. He was looking for an update on the application progress. This application was filed September 26, 2022 and I can't see any movement. Is there an issue with this one?

Brett

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. 50,870** of the applicant

SEAWORTH AG ENTERPRISES INC
3218 E COUNTRY ROAD 70
WELLINGTON, CO 80549-1939

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 26, 2022**.
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	
22 - 10S - 10E					Lot 1 52.50				Lot 4 52.99	Lot 5 53.47	Lot 6 40.00						198.96

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of two (2) wells, with a geographical center located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW¼ NW¼ NE¼) of Section 22, more particularly described as being near a point 5,200 feet North and 2,475 feet West of the Southeast corner of said section, in Township 10 South, Range 10 East, Wabaunsee County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **160 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, 2025**, 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, 2029**, 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 Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The 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.

17. That this permit is further limited such that all wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply, shall be limited to a total maximum combined diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** and shall supply water to a common distribution system.

18. That failure without cause to comply with provisions of this 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 16th day of January, 2024, 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 18th day of January, 2024, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings
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

January 23, 2024

TROY SEAWORTH
SEAWORTH AG ENTERPRISES INC
3218 E COUNTRY ROAD 70
WELLINGTON CO 80549-1939

RE: Appropriation of Water
File No. 50,870

Dear Mr. Seaworth:

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. Completion is an acceptable water flow meter installed on the diversion works authorized by this permit prior to using water. Failure to complete the diversion works and inform the Chief Engineer of the required installation of the meter for this permit 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 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/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:kak: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 23 day of January, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,870, dated January 18, 2024, was mailed postage prepaid, first class, US mail to the following:

SEAWORTH AG ENTERPRISES INC
3218 E COUNTRY ROAD 70
WELLINGTON CO 80549-1939

With photocopies to:

KDA-DWR Topeka Field Office



Division of Water Resources