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

1. File No.: **50925**	2. Status Change Date: **1/21/2025**	4. Field Office: **01 - Topeka** GMD: Structures File No.: Filing/Priority Date: **12/14/2022**
3. Associated File No(s):		

5a. ☒ Applicant ☒ Owner ☒ WUC Person ID **68782**
☐ Address Change Add Seq#

CHRIS GRAUER
1269 11TH TER
MARYSVILLE KS 66508-8794

5b. ☐ Owner ☐ WUC Person ID
☐ Address Change Add Seq#

5c. ☐ Owner ☐ WUC Person ID
☐ Address Change Add Seq#

5d. ☐ Owner ☐ WUC Person ID
☐ Address Change Add Seq#

6. Change No.: ☐ PD ☐ PU ☐ UMW
Base Acres: Year: Min Reasonable Q:
Previous UMW:
MDS Gauge: Active Admin? ☐
Completion Date: **12/31/2026** Perfection Date: **12/31/2030**

7. Use of Water
☒ Groundwater ☐ Surface Water
UMW: **IRR-Irrigation**
UMW:
UMW:

8. Action Trail

9. Special Conditions

10. 5YR Allocation Type: Start Year: 5YR Quantity: Base Acres:
Comment:

11. Sand & Gravel Proj ID: ☐ Active ☐ Dredge ☐ IND Evap ☐ Jr Evap ☐ Other Diversion ☐ Rpt on Sr

12. Waiver Rule ID: ☐ New Date Requested:
Applies: Rule No.:
Rule Type:
Rule SubType:
Justification:

Comments	Processed **CCB 1/16/2025** Reviewed **KAK 1/16/2025**	Entered 1/23/2025 KAnderson

File No. **50925**
Structures File No:

13. County: **Marshall** Basin: **Big Blue River** Stream:
Aquifer Code: **100 Quaternary** Special Use Area:

14. Points of Diversion, Rates & Quantities

	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Qty **AF** Auth	Qty **AF** Add	Rate **gpm** Auth	Rate **gpm** Add	Storage Qty **AF** Auth	Storage Qty **AF** Add	Storage Rate Auth/Add	Overlaps
MOD	**89948**	**SE NE SW**	**12**	**3**	**7E**	**4**	**1749**	**4084**		**74**	**74**	**500**	**500**				

15. Limitations **NEW** Type: Quantity: **AF** Rate: **gpm** combined with file no(s):
NEW Type: Quantity: **AF** Rate: **gpm** combined with file no(s):

16. Metering ☒ Metering Required ☒ Anti-Reverse Required ☒ Seal Required Compliance Date: **12/31/2026**

17. Place of Use

PUSE	S	T	R	ID	NE¼ NE	NE¼ NW	NE¼ SW	NE¼ SE	NW¼ NE	NW¼ NW	NW¼ SW	NW¼ SE	SW¼ NE	SW¼ NW	SW¼ SW	SW¼ SE	SE¼ NE	SE¼ NW	SE¼ SW	SE¼ SE	Total	Owner(s)	Chg?	Overlaps
CHK	**71155**	**12**	**3**	**7E**	**1**								40	9	1	18					68.00	**5a**	☐	
																					0.00		☐	
																					0.00		☐	
																					0.00		☐	
																							☐	
																							☐	

18. Point of Diversion and Place of Use Overlaps

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+	++
#	##
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MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: January 16, 2025
From: Colin Barclay, Environmental Scientist
Re: New Application File No. 50925 – Chris Grauer

Summary

Chris Grauer filed the above referenced application to appropriate 74 acre-feet of groundwater, at a rate of 500 gallons per minute. The proposed point of diversion would be a single well located near the City of Marysville in Marshall County, Kansas. The place of use is fully owned by the applicant, and they have signed the application form affirming legal access to the point of diversion. The proposed place of use is 68 acres of farm ground.

Reasonable Rate and Quantity

Quantity of water requested is 74.00 acre-feet at a rate of 500 gallons per minute for a proposed place of use of 68 acres. Quantity requested appears to be the maximum quantity of water allowed at 1.1 acre-feet per acre in Marshall County, Kansas as per K.A.R. 5-3-24.

Source of Supply and Safe Yield

The source of supply appears to be Kansan glacial till located within a buried glacial channel. Prior safe yields have only used the water located within the channel. Geologic conditions indicated the area of recharge is not confined to the channel itself and extends for most of the 2-mile area minus the surficial bedrock on either end of the glacial channel. 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 circle 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, which provided an area of consideration of 5,166 acres. With a potential annual recharge of 4.1 inches, and 100% of recharge available for appropriation, safe yield was determined to be 1,765.03 acre-feet. Existing water rights have appropriated 880.983 acre-feet, providing a difference of 884.047 acre-feet available for appropriation, and the application requesting 74.00 acre-feet complies with safe yield.

Nearby Water Rights

Two appropriated wells were found to be within one-half (½) mile of the proposed point of diversion (File Nos 38,473 and 38,551). Six (6) possible nearby domestic wells were found through aerial imagery to be within one-half (½) mile of the proposed point of diversion. The proposed point of diversion meets well spacing requirements as the nearest possible domestic well is roughly 1,300 feet away and the nearest nondomestic well (38,473) is located roughly 1,370 feet away.

Two written comments were submitted from the City of Marysville who owns the two nearest appropriated wells. Both letters express concern towards the above referenced application. The first letter outlines the city needs for the groundwater in this area. Within this letter, the city submitted additional information depicting the location of the buried glacial channel holding the glacial till aquifer. In addition, they submitted the results of a pump test performed in 2019 on the nearby city wells. However, this pump test did not include evidence of possible future impairment by the above referenced application. The second letter submitted by the city showed further concern for the possible impact the applicants well could have on the municipal wells including possible depletion of the aquifer and possible contamination of the groundwater source by the impacts of surface irrigation.

A Theis analysis was performed to determine the potential impact the applicants well might have on the existing nearby domestic and city water wells. Drawdown was evaluated at the four nearest domestic wells and the municipal wells authorized by File Nos. 38,473 and 38,551. An average practical saturated thickness of 66.8 feet was used when calculating the net drawdown as a percentage of saturated thickness. The net drawdown at the nearest well authorized under 38,473 was found to be 1.3% (.9 feet) of the average practical saturated thickness. At the slightly farther municipal well authorized under 38,551 the potential net drawdown of the applicants well was found to be 1.2% (.8 feet) of the average practical saturated thickness.

Per the requirements of K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-quarter (¼) mile to all other non-domestic wells and 660 feet to domestic wells sharing the common source of supply. With adequate well spacing and safe yield, and after the Theis analysis, impairment appears unlikely.

Recommendations

The application was sent to Nathan Westrup, Water Commissioner of the Topeka Field Office, and was recommended for approval in an email dated January 15, 2024.

The application complies with all regulations concerning reasonable quantity, safe yield, and minimum spacing requirements. Based on the above discussion, approval of the application will most likely not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.

Colin Barclay
Environmental Scientist
Water Appropriation Program

Outlook

RE: 50925 review and recommendation request

From Westrup, Nathan [KDA] <Nathan.Westrup@ks.gov>
Date Wed 1/15/2025 4:44 PM
To Barclay, Colin [KDA] <Colin.Barclay@ks.gov>; Johnson, Shaun [KDA] <Shaun.Johnson@ks.gov>

Hey Colin,

I have no objection to approval.

Just a quick minor thing in your memo – you say, "…the net drawdown as a percentage of saturated thickness." And, then you state the feet of drawdown. It might read better if you stated the net drawdown as %ST and then put net feet in parenthesis. Just a suggestion.

Thanks and sorry for the delay in recommendation.

Nathan Westrup, Water Commissioner
Topeka Field Office
Division of Water Resources
Kansas Department of Agriculture
Phone: 785-296-7064
Mobile: 785-230-2991
Nathan.Westrup@ks.gov

From: Barclay, Colin [KDA] <Colin.Barclay@ks.gov>
Sent: Friday, December 20, 2024 9:01 AM
To: Westrup, Nathan [KDA] <Nathan.Westrup@ks.gov>; Johnson, Shaun [KDA] <Shaun.Johnson@ks.gov>
Subject: 50925 review and recommendation request

Good morning Nate and Shaun,

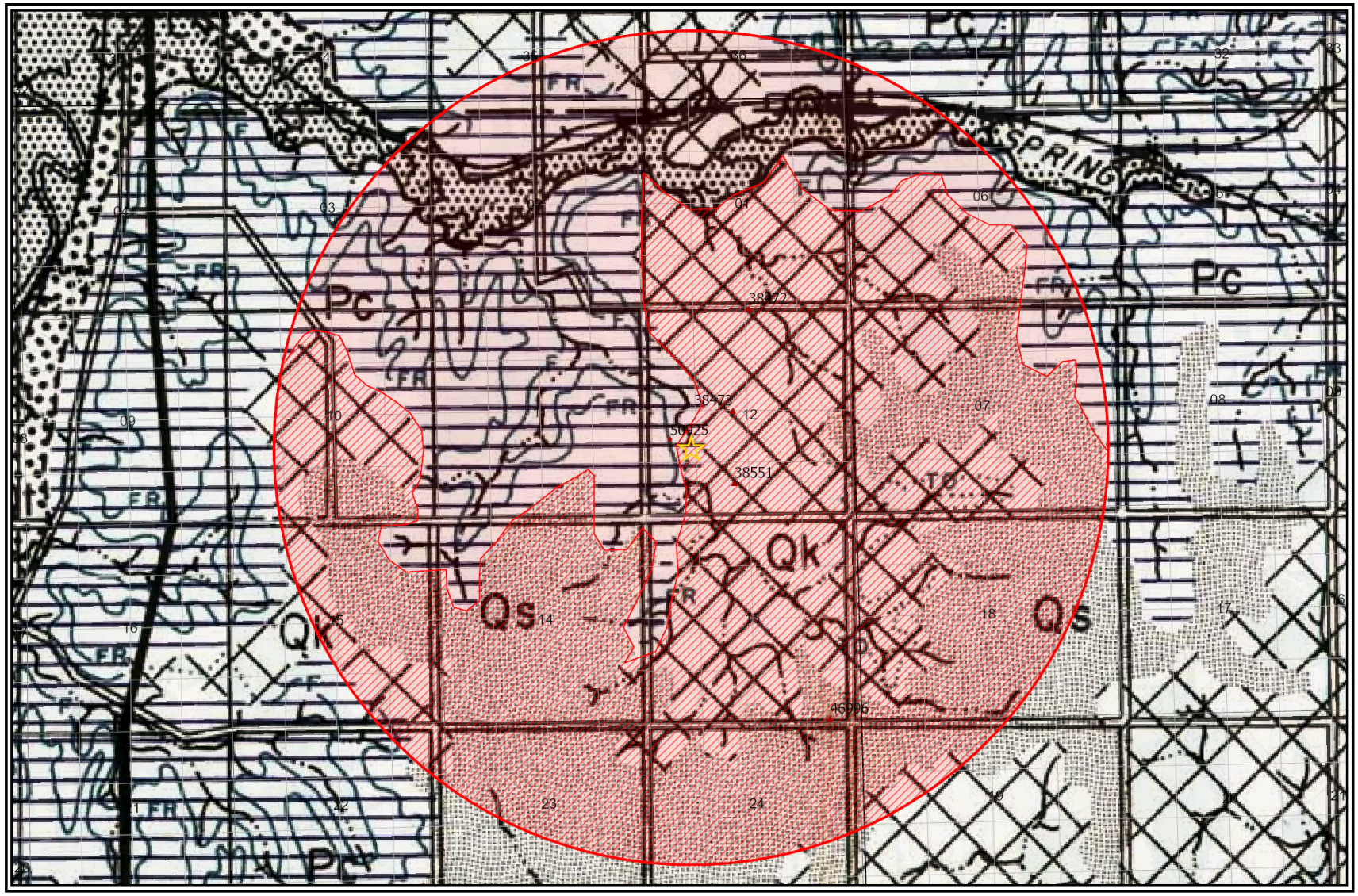
I have attached my draft memo and safe yield report for pending application 50925 for your review and recommendation. I have also attached a Theis analysis that was performed by tech services including the data they used. I sent out nearby letters and received a few letters from the City of Marysville who are very opposed to this application.

Please let me know if you have any questions.

Thanks,

Colin Barclay
Environmental Scientist
Division of Water Resources
Kansas Department of Agriculture
Phone: (785) 564-6628
Colin.Barclay@ks.gov

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 12-03S-07E
Footages from SE corner- 1,749 feet North 4,084 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 1,765.03 AF.
Total prior appropriations in the circle is ~~607.89 AF~~. 880.983 AF
Total quantity of water available for appropriation is ~~1,157.14 AF~~. 884.047 AF 50925 Meets safe yield for an additional 74 AF

Safe Yield Variables

The area used for the analysis is set at 5,166 acres.
The potential annual recharge at the circle center is estimated to be 4.1 inches.
The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 19-APR-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 4 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	38472 00	MUN	NK	G		NW	NW	NE	5263	2555	12	03	07E	1	WR	211.82	~~211.82~~			
A	38473 00	MUN	NK	G		NE	NE	SW	2680	3008	12	03	07E	3	WR	190.61	~~190.61~~			
A	38551 00	MUN	NK	G					836	3000	12	03	07E	2	WR	205.46	~~205.46~~	+580.928		
A	46996 00	MUN	LO	G		SW	SE	SE	75	712	13	03	07E	1	WR	300.01	~~0.00~~	+300.01		

Limitations

File	Number	Seq Num	Limitations
A	38473 00	1	125.531 MGY COM/W #38472
A	38551 00	2	189.296 ~~AF~~/YR COM/W #38472 & #38473 MGY
A	46996 00	1	350MGY COM/W #MS 3, 38472, 38473 & 38551

S. Thurlow
10/15/2024

Theis evaluation of proposed new application, File No. 50,925

A 1-year Theis analysis was used to evaluate the potential increase in dynamic drawdown as a result of the proposed creation of the point of diversion authorized by File No. 50885. The proposed location is approximately 1,749 feet North and 4,084 feet West of the Southeast corner of Township 3 South, Range 7 East, Section 12 (Figure 1).

The average water table elevation and saturated thickness were estimated based on lithological logs from the Kansas Geological Survey's Water Well Completion Records Database (WWC5). WWC5 records within 1.5 miles of the proposed location were used. Records that were within that area but did not include lithological data, were not drilled to bed rock, or had poor lithological descriptions were excluded. Hydraulic conductivity (K) and specific Yield (Sy) assumptions were based on the tabulated values from the U.S. Geological Survey (Figure 2) (USGS, 1985). In all, four lithological logs were evaluated with an average transmissivity of 7,706 square feet per day and an average specific yield of 0.214. The aquifer is assumed to be unconfined, and the average specific yield values were used for an assumed storativity value. The average practical saturated thickness (66.8 ft) was used when calculating the net drawdown as a percentage of saturated thickness. Practical saturated thickness is calculated by only considering the net thickness of saturated sediments that significantly contribute to well yield.

Drawdown was evaluated at three nearby domestic wells located in Township 3 South, Range 7 East, Sections 12 & 13, and also at two municipal well authorized by File Nos. 38551 and 38473 (Table 1-6). A quantity of 74 acre-feet (AF) at a rate of 500 gallons per minute (gpm) was used in the evaluation. The method of images was used to represent an assumed no-flow boundary condition for the edge of the local aquifer area West of the proposed location. The total proposed drawdown at each nearby well was calculated by summing the negative drawdown effects from the proposed point of diversion with the negative effects from the image well opposite the assumed no-flow boundary condition. The maximum net drawdown occurred at the well authorized by File No. 38473. The net drawdown at this well was 0.9 feet, or 1.3% of the practical saturated thickness (Table 1).

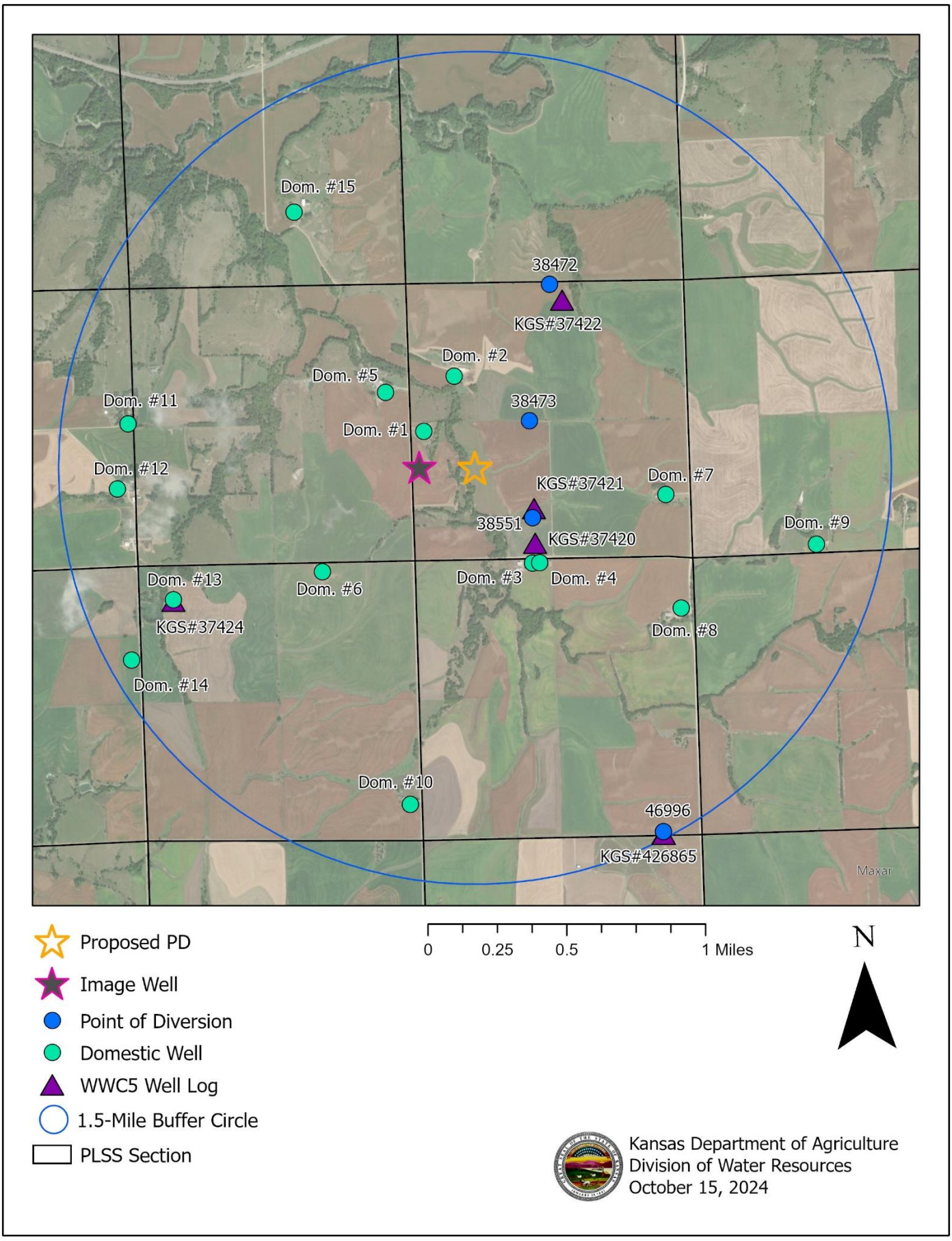


Figure 1: Proposed point of diversion, surrounding points of diversion, and domestic wells

Table 3.--*Driller's lithologic descriptions and assigned values of hydraulic conductivity and specific yield*

[Modified from Gutentag and others, 1984]

Driller's lithologic description	Assigned hydraulic conductivity (feet per day)	Assigned specific yield (dimensionless)
Clay	5	0.03
Silty clay	5	.03
Sandy clay	10	.05
Clay with sand and gravel	15	.08
Clay and sandstone	10	.05
Limestone (caliche)	10	.05
Limestone and sand	30	.10
Sand	70	.23
Fine sand	50	.21
Fine-medium sand	70	.23
Fine-coarse sand	80	.25
Medium sand	80	.25
Medium-coarse sand	85	.25
Coarse sand	90	.24
Clayey sand	50	.20
Cemented sand or loose sandstone	30	.10
Silty sand	50	.20
Sand and gravel	160	.25
Cemented sand and gravel	30	.10
Clayey sand and gravel	100	.17
Silty sand and gravel	100	.17
Sandstone and sand	50	.20
Tight sandstone	10	.05
Silt	10	.05
Clayey silt	5	.03
Sandy silt	10	.05
Silt with gravel	15	.08
Soil, overburden, and road-fill	5	.03

Figure 2: Hydraulic conductivity values (USGS, 1985)

Table 1: Theis drawdown evaluated at File No. 38473; T = 7,706 ft²/day, S = 0.214

Scenario	Distance (FT)	Pump Rate (GPM)	Volume (AF)	Net Drawdown (FT)	Net Drawdown (% ST)
Proposed PD	1371.9	500.0	74.0	0.7	1.1%
Image Well	2276.0	500.0	74.0	0.2	0.3%
			Net:	0.9	1.3%

Table 2: Theis drawdown evaluated at File No. 38551; T = 7,706 ft²/day, S = 0.214

Scenario	Distance (FT)	Pump Rate (GPM)	Volume (AF)	Net Drawdown (FT)	Net Drawdown (% ST)
Proposed PD	1448.6	500.0	74.0	0.6	0.9%
Image Well	2356.3	500.0	74.0	0.2	0.2%
			Net:	0.8	1.2%

Table 3: Theis drawdown evaluated at Domestic Well #2; T = 7,706 ft²/day, S = 0.214

Scenario	Distance (FT)	Pump Rate (GPM)	Volume (AF)	Net Drawdown (FT)	Net Drawdown (% ST)
Proposed PD	1784.5	500.0	74.0	0.4	0.6%
Image Well	1855.0	500.0	74.0	0.4	0.5%
			Net:	0.7	1.1%

Table 4: Theis drawdown evaluated at Domestic Well #3; T = 7,706 ft²/day, S = 0.214

Scenario	Distance (FT)	Pump Rate (GPM)	Volume (AF)	Net Drawdown (FT)	Net Drawdown (% ST)
Proposed PD	2117.8	500.0	74.0	0.2	0.4%
Image Well	2819.5	500.0	74.0	0.1	0.1%
			Net:	0.3	0.5%

Table 5: Theis drawdown evaluated at Domestic Well #4; T = 7,706 ft²/day, S = 0.214

Scenario	Distance (FT)	Pump Rate (GPM)	Volume (AF)	Net Drawdown (FT)	Net Drawdown (% ST)
Proposed PD	2185.8	500.0	74.0	0.2	0.3%
Image Well	2921.6	500.0	74.0	0.1	0.1%
			Net:	0.3	0.4%

References

United States Geological Survey (USGS). (1985). *Geohydrology of the High Plains Aquifer, Western Kansas*. Report 85-4198. Table 3.

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. 50,925** of the applicant

CHRIS GRAUER
1269 11TH TER
MARYSVILLE KS 66508

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 **December 14, 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	
12 - 3S - 7E									40	9	1	18					68

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 Northeast Quarter of the Southwest Quarter (SE¼ NE¼ SW¼) of Section 12, more particularly described as being near a point 1,749 feet North and 4,084 feet West of the Southeast corner of said section, in Township 3 South, Range 7 East, Marshall 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 **500 gallons per minute (1.11 c.f.s.)** and to a quantity not to exceed **74 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, 2026,** 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, 2030**, 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 required 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 failure without cause to comply with the 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 21st day of January, 2025, in Manhattan, Riley County, Kansas.

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 21st day of January, 2025, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Notary Public

STATE OF KANSAS NOTARY PUBLIC
VICKIE L. BELANGER
My Appointment Expires
December 21, 2027

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

Kansas
Department of Agriculture

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

Mike Beam, Secretary

Laura Kelly, Governor

January 24, 2025

CHRIS GRAUER
1269 11TH TER
MARYSVILLE KS 66508-8794

RE: Appropriation of Water
File No. 50,925

Dear Mr. Grauer:

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 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.

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 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:ccb
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 24 day of January, 2025, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,925, dated January 21, 2025, was mailed postage prepaid, first class, US mail to the following:

CHRIS GRAUER
1269 11TH TER
MARYSVILLE KS 66508-8794

With photocopies to:

KDA-DWR Topeka Field Office

Division of Water Resources