Kansas Department of Agriculture Division of Water Resources

PERMIT NEW APPLICATION WORKSHEET

1. File Number: 50 °	771	2. Status Change Date: 8/9/2022	3. Field Office:	4. GMD:
5. Status: Approved	☐ Denied by D	WR/GMD □ D	ismiss by Request/Fa	ilure to Return
6. Enclosures: Check Va	lve 🛛 N of C Form	⊠ Water Tube	☐ Driller Copy	⊠ Meter
7a. Applicant(s) New to system □	Person ID 46' Add Seq#	7c. Landow New to	/ner(s) system □	Person IDAdd Seq#
COUNTY OF SEWA 515 N WASHINGTO LIBERAL, KS 6790 *SEE ADDRESS CHATO THIS APPROVAL 7b. Landowner(s) New to system 7a	ON AVE STE 205 1-3462 ANGE WKST ATTACH	7d. Misc.	system □	Person ID Add Seq#
8. WUR Correspondent	Person ID	9. Use of W	ater: Changing?	☐ Yes ☑ No
New to system ☐ Overlap File (s) WUC Agree ☐ Yes ☐ No 7a	Add Seq# Notarized WUC	□ IRR □ STK □ HYD DRO		☐ Surface Water ☐ DEW ☐ MUN ☐ DOM ☐ CON ☐ ART RECHRG OTHER:
10. Completion Date: 12/31	/2023 11. Perfe	ection Date: <u>12/31/20</u>	27 12. Ex	κρ Date:
				Date to Comply:
				3/2022 By: AM 3/9/2022 By: Moody

File No.	50771	1		1	15. Fo	rmatio	n Code	e: 21 ′	1		Drainage Basin: CIMARRON RIVE				RIVE	ER County: SW Special Use					oecial U	Use: Stream:					
16. Poin T MOD DEL ENT	ts of Dive	ersio		Qualifie	r	S	T	-	R	ı	ID				R	I7. Rate and Quantity Authorized Rate Quantity gpm af				Additional Rate Quantity gpm af Overlap PD				Files			
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18. Stora	ige: Rate	·				NI		Qua	antity _					_ac/ft	A	.dditior	nal Rat	.e				NF	= Add	litional Qu	antity		ac/ft
19. Limita					a	af/yr at					gpm (_										(s)						
20. Mete																											
21. Plac T	e of Use							N	E1/4			NN	I ½			sv	SW1/4			SE1⁄4			Total	Owner	Chg?	Overl	ap Files
MOD DEL ENT I	PUSE	S	Т	R	ID		NE 1⁄4	NW 1⁄4	SW 1/4	SE 1⁄4	NE 1⁄4	NW 1⁄4	SW 1/4	SE 1⁄4	NE 1⁄4	NW 1⁄4	SW 1/4	SE 1⁄4	NE 1⁄4	NW 1⁄4	SW 1/4	SE 1/4					
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KANSAS DEPARTMENT OF AGRICULTURE **Division of Water Resources** <u>MEMORANDUM</u>

TO: Files DATE: June 13, 2022

FROM: Austin McColloch RF: New Application, File No. 50,771

Seward County Cemetery has filed the above referenced application proposing to appropriate water at a maximum rate of 250 gallons per minute, and at 15 acre-feet per calendar year for irrigation use. The applicant is requesting a 15 acre-feet exemption based on K.A.R. 5-23-4. The application was received in the Office of the Chief Engineer on April 22, 2022. The proposed application is in the drainage basin of the Cimarron River. The source of supply appears to be the Ogallala formation (211).

The point of diversion is located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of Section 9 more particularly described as being near a point 5061 feet North and 4800 feet West of the Southeast Quarter of said section, in Township 34 South, Range 33 West, Seward County, Kansas. There are no other 15 acre-feet exemption files located within two mile of the proposed point of diversion.

Two (2) domestic wells within ½ mile of the point of diversion were identified. All wells identified meet well spacing requirements as per K.A.R. 5-23-3. There are no other Ogallala formation wells within 660 feet. There does not appear to be any domestic well within 660 feet. Nearby letters were sent out on May 10, 2022 notifying of the diversion works proposed. No response of any kind was received.

The point of diversion is located within the boundary of Groundwater Management District No. 3. A letter was sent to GMD No. 3 for a recommendation on the application on May 25, 2022. GMD No. 3 provided a recommendation for approval on June 13, 2022.

The application has been reviewed by Mike Meyer, Water Commissioner at the Garden City Field Office. In an email dated June 13, 2022, Mr. Meyer recommended the approval of the application.

In accordance with K.S.A. 82a-706(c), the Chief Engineer retains full authority to require any water user to install meters, gauges, or other measuring 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 thru 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. A proposed rate of 250 gallons per minute requires a water level measuring tube.

Based on the above discussion, well spacing regulations are met, the application is not subject to safe yield criteria, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

> 8/4/2022 **KJN**

Austin McColloch

Assistant Water Commissioner

Garden City Field Office

From: Meyer, Mike [KDA]

Sent: Mon 6/13/2022 2:21 PM

To: McColloch, Austin [KDA]

Subject: RE: Recommendation New App File No. 50771

I recommend approval, try to flag this file to expedite approval as they are operating under a temp permit that may have reached its authority.

Mike

From: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>

Sent: Monday, June 13, 2022 2:09 PM

To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov> **Subject:** Recommendation New App File No. 50771

Mike,

Attached is a copy of the draft memo for the above referenced new application, along with the gmd recommendation. This is for Seward Co. cemetery, 15 AF exemption. Let me know if you have any questions.

Thanks,

Austin McColloch Ph: (620) 276-2901

Report Date: Monday, June 13 2022

Water Rights and Points of Diversion Within 2 miles of point defined as: 5061 Feet N and 4800 Feet W of the Southeast Corner of Section 9 Twp 34S Rng 33W Located at: 100.920649 West Longitude and 37.111749 North Latitude Both SURFACE WATER and GROUNDWATER

An * after the source of supply indicates a pending application for change under the file number.

.00

(AF) = 6918.99

Water Rights and Points of Diversion Within 2 miles of point defined as: 5061 Feet North and 4800 Feet West of the Southeast Corner of Section 9 Twp 34S Rng 33W Located at: 100.920649 West Longitude and 37.111749 North Latitude Both SURFACE WATER and GROUNDWATER

WATER USE CORRESPONDENTS:

TOTAL AMOUNT

An * after the ID indicates a 15 AF exemption was granted under the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

File Number Use ST SR

> SKI S & ASHLEY E SCHROEDER

> 860 HOLLY RIDGE CT

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> LIBERAL KS 67901
  CRJ GRAHAM TRUST
> RHONDA KEITH
> 1109 ELM BLVD
> LIBERAL KS 67901
> FRED L & KATHY R BLOOM
> 6566 ROAD G
> LIBERAL KS 67901
>-----
> SKI S & ASHLEY E SCHROEDER
> 860 HOLLY RIDGE CT
> LIBERAL KS 67901
>-----
> DAN & DEAN BROWN
  7495 ROAD 7
> LIBERAL KS 67901
  _____
> DAN & DEAN BROWN
> 7495 ROAD 7
> LIBERAL KS 67901
  FITZGERALD FARMS LLC
> 10035 ROAD 9
  LIBERAL KS 67901
   SIMCO LC
  JOHN T SMITH LIVING TRUST
  404 N KANSAS AVE
> LIBERAL KS 67901
  SIMCO LC
> JOHN T SMITH LIVING TRUST
 404 N KANSAS AVE
> LIBERAL KS 67901
   SIMCO LC
 JOHN T SMITH LIVING TRUST
  404 N KANSAS AVE
> LIBERAL KS 67901
>-----
  FITZGERALD FARMS LLC
> 10035 ROAD 9
> LIBERAL KS 67901
> CITY OF LIBERAL
 PO BOX 2199
  LIBERAL KS 67905
> FRED L & KATHY R BLOOM
> 6566 ROAD G
> LIBERAL KS 67901
> FRED L & KATHY R BLOOM
> 6566 ROAD G
  LIBERAL KS 67901
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> COUNTY OF SEWARD

> 415 N WASHINGTON AVE

> LIBERAL KS 67901



INPUTS	
Target Section Definition	
Section	9
Township	34
Range	33
Range Direction	W
Target Point Coordinates (NAD2	27 or <i>NAD83</i>)
Target Longitude	-100.920650
Target Latitude	37.111750

Load Data and Compute

- Enter values for section, township, range and range direction.
 Enter NAD27 or NAD83 longitude and latitude of target point.
- 3. Click "Load Data and Compute" button.
- 4. Use feet distances corresponding to datum of target point.

Loaded Section Data From LEOBASE using NAD83 Corner Corner Latitudes Corner Longitudes 37.09783389 -100.92242455 SW NW 37.11243567 -100.92251541 NE 37.11240550 -100.90420481 SE 37.09784865 -100.90418989 Degrees Longitude per Foot 3.42891336E-06

Target Point Distances from Corners using NAD83 Corner Feet North(+)/South(-) Feet East(-)/West(+) SW 5067

NW -250 -544 NE -239 4796 SE 5061 4800

Degrees Latitude per Foot

2.74651359E-06

Loaded Section Data

From LEOBASE usi	ng <i>NAD27</i>
Corner Latitudes	Corner Longitudes
37.09780900	-100.92198200
37.11241100	-100.92207300
37.11238100	-100.90376300
37.09782400	-100.90374800
	Corner Latitudes 37.09780900 37.11241100 37.11238100

Degrees Longitude per Foot 3.42891225E-06 Degrees Latitude per Foot 2.74598553E-06

Target Point Distances from Corners using NAD27

Corner	reet North(+)/South(-)	reet East(-)/vvest(+)
	5077	
NW	-241	-415
NE SE	-230	4925
SE	5071	4929

Difference (NAD83 Minus NAD27)

Corner	Corner Latitudes	Corner Longitudes
sw	0.00002489	-0.00044255
NW	0.00002467	-0.00044241
NE	0.00002450	-0.00044181
SW NW NE SE	0.00002465	-0.00044189

Difference (NAD83 Minus NAD27)

Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
sw	-10.03851799	-129.06408579
SW NW	-8.93601486	-129.02324792
NE	-8.87621875	-128.84999756
SE	-9.95008421	-128.87332999

Target point is In Section

Target point is In Section



Kansas Department of Agriculture Division of Water Resources

ADDRESS CHANGE

1. File No(s) 50771, 20220117	2. Field Office 4
3. Informed by Applicant - New App, File No. 50771	
	rson IDd Seq#
	rson ID d Seq#
5. Comments Date Prepared 8/4/22 by Date Entered by	KJN

DWR 1-665.6 (Revised 02/04/2009)



KANSAS DEPARTMENT OF AGRICULTURE Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCESEarl 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. 50,771 of the applicant

COUNTY OF SEWARD 515 N WASHINGTON AVE STE 205 LIBERAL, KS 67901-3462

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 **April 22**, **2022**.
- 2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

		NE	Ξ1/4			NW	11/4			SW	11/4			S	E1/4		TOTAL
Sec. Twp. Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE¼	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	TOTAL
9 34S 33W						10											10

- 3. That the authorized source from which the appropriation shall be made is groundwater from the Cimarron River basin, to be withdrawn by means of one (1) well located in the Northwest Quarter of the Northwest Quarter (NW¼ NW¼ NW¼) of Section 9, more particularly described as being near a point 5,061 feet North and 4,800 feet West of the Southeast corner of said section, in Township 34 South, Range 33 West, Seward 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 **250** gallons per minute (0.56 c.f.s.) and to a quantity not to exceed **15 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**, **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.

File No. 50,771 Page 2 of 4

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before <u>December 31, 2027</u> 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 failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.
- 17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

Ordered this $$ day of	August	, 2022, in Manhattan, Riley County, Kansas.
		Pane P. Glowneau
		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 ack Lane P. Letourneau, P.G., Water App Department of Agriculture.	knowledged be ropriation Prog	efore me this day of August, 2022, by gram Manager, Division of Water Resources, Kansas Notary Public ASHLEE FREEMAN My Appointment Expires April 21, 2024

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

August 16, 2022

COUNTY OF SEWARD 515 N WASHINGTON AVE STE 205 LIBERAL, KS 67901-3462

RE:

Appropriation of Water, File No. 50,771

Dear Sir or Madam:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

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

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

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at <u>agriculture.ks.gov/divisions-programs/dwr</u>. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Garden City Field Office at 620-276-2901. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum

New Application and Change Unit Supervisor

ristenaBaum

Division of Water Resources

KAB:am Enclosure(s)

pc: Garden CityField Office

Southwest Kansas GMD No. 3

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 16 day of August , 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,771, dated 9 August, 2022 was mailed postage prepaid, first class, US mail to the following:

COUNTY OF SEWARD 515 N WASHINGTON AVE STE 205 LIBERAL, KS 67901-3462

With photocopies to:

Garden City Field Office

Groundwater Management District No. 3

Division of Water Resources