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

1. File Number:	2. Status Change Date:	3. Field Office:	4. GMD:
51064	**1/18/2024**	**4**	**3**

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

7a. Applicant(s) — New to system ☐ — Person ID **67726** — Add Seq# _____

MATTHEW T & ASHLEY D DIRKS
6604 AA RD
MONTEZUMA, KS 67867-9054

7b. Landowner(s) — New to system ☐ — Person ID _____ — Add Seq# _____

7a

7c. Landowner(s) — New to system ☐ — Person ID _____ — Add Seq# _____

7d. Misc. — New to system ☐ — Person ID _____ — Add Seq# _____

8. WUR Correspondent — New to system ☐ — Person ID _____ — Add Seq# _____
Overlap File (s) WUC — Agree ☐ Yes ☐ No — Notarized WUC Form ☐
7a

9. Use of Water: Changing? ☐ Yes ☒ No
☒ Groundwater ☐ Surface Water
☐ IRR ☐ REC ☐ DEW ☐ MUN
☐ STK ☐ SED ☐ DOM ☐ CON
☐ HYD DRG ☐ WTR PWR ☐ ART RECHRG
☒ IND SIC: **0252** ☐ OTHER: _____

10. Completion Date: **12/31/2025** 11. Perfection Date: **12/31/2029** 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: _____

Date Prepared: 1/10/2024 **By: AM**
Date Reviewed: 1/17/2024 **By: KAK**
Date Entered: 1/19/2024 **By:** KAnderson

DWR 1-660 (Revised 09/19/2008)

File No. **51064** | 15. Formation Code: **341** | Drainage Basin: **CROOKED CREEK** | County: **GY** | Special Use: | Stream:

16. Points of Diversion

T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
MOD	**90419**	**NE NE SW**	**2**	**29S**	**29W**	**4**	~~2726~~ **2428**	**2606**

17. Rate and Quantity

Authorized Rate gpm	Authorized Quantity mgy	Additional Rate gpm	Additional Quantity mgy	Overlap PD Files
99	~~4.89~~ **4.88** **(15 AF)**	**99**	**4.88** ~~4.89~~ **(15 AF)**	**NONE**

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 NE ¼	NE¼ NW ¼	NE¼ SW ¼	NE¼ SE ¼	NW¼ NE ¼	NW¼ NW ¼	NW¼ SW ¼	NW¼ SE ¼	SW¼ NE ¼	SW¼ NW ¼	SW¼ SW ¼	SW¼ SE ¼	SE¼ NE ¼	SE¼ NW ¼	SE¼ SW ¼	SE¼ SE ¼	Total	Owner	Chg?	Overlap Files
MOD	**71447**	**2**	**29S**	**29W**	**4**	**CHICKEN AND EGG FACILITY (SW)**																	**7a**	**N**	**NONE**

Comments: **CONFINED DAKOTA WELL – MEETS ALL SPACING / SY REQUIREMENTS**

ADDITIONAL CONDITION ON AUIFER SCREEN

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files **DATE:** January 16, 2024

FROM: Austin McColloch **RE:** New Application, File No. 51,064

Matt Dirks has filed the above referenced application proposing to appropriate water at a maximum rate of 99 gallons per minute, and at 4.887 million gallons (15 acre-feet) per calendar year for industrial use at a chicken egg production facility. The applicant originally requested a 15 acre-feet exemption based on K.A.R. 5-23-4, however after further evaluation the source of supply appears to be the Confined Dakota aquifer (341) which is open to new appropriations. The well is a former domestic well that was constructed in 2010. The application was received in the Office of the Chief Engineer on June 26, 2023. The proposed application is in the drainage basin of the Crooked Creek.

The point of diversion is located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE¼ NE¼ SW¼) of Section 2 more particularly described as being near a point 2,728 feet North and 2,606 feet West of the Southeast Quarter of said section, in Township 29 South, Range 29 West, Gray County, Kansas. The applicant and DWR did not identify any wells of any kind within two miles of the proposed point of diversion that is sourcing the confined Dakota, and review of aerials and the WWC5 database confirms that. Therefore, minimum well spacing of 660 feet for confined Dakota aquifer is met. Due to wells sourcing confined Dakota aquifer within 2 miles of the proposed point of diversion and greater than 2,640 feet from contact point for well proposing a quantity of 15 acre-feet or less, K.A.R. 5-4-4, minimum well spacing is met.

The proposed place of use are chicken egg production facilities located in the Southwest Quarter (SW¼) of Section 2, in Township 29 South, Range 29 West, Gray County.

One (1) irrigation well is located within a half (½) mile of the point of diversion was identified. Although not necessary as they are different sources of supply, nearby letters were sent out on August 14, 2023, notifying of the diversion works proposed. Though no comments were received.

Further hydrologic testing may be required for certain Dakota applications moving forward. Below are calculations for future reference on processing confined Dakota applications:

Based on the well log information provided by the applicant, the source of water appears to be the confined Dakota aquifer system per K.A.R. 5-1-1(r) “Confined Dakota aquifer system” means that portion of the Dakota aquifer system overlain by a confining layer resulting in the aquifer normally being under greater than atmospheric pressure. The test hole log provided by the applicant, shows a shale/clay unit extending from 183 feet to 310 feet ground surface, where the first sandstone aquifer is encountered. Static water level was determined to be 188 feet on the well log back in 2010. Per K.A.R. 5-3-14. Availability of water for appropriation - safe yield; confined groundwater aquifers. (a) Each application to appropriate water from a confined aquifer shall be processed on a case by case basis so that the safe yield of the source of water supply is not exceeded. (b) Until a specific regulation is adopted by the chief engineer for the confined source of water supply, the analysis shall be made using the best information reasonably available to the chief engineer.

No specific safe yield regulation has been adopted by the chief engineer for the confined Dakota aquifer system, although it is likely that the confined Dakota aquifer system would receive significantly less recharge than a near-surface, unconfined aquifer. Therefore, in order to better represent the potential recharge to this confined aquifer, it was determined that the saturated thickness of the aquifer and the thickness of the confining unit are critical factors. Limited saturated thickness with a significant confining unit would get less recharge (0.3 times the "standard" K.A.R. 5-3-11 value), while significant saturated thickness with a limited confining unit would get more recharge (0.5 times the "standard" K.A.R. 5-3-11 value). The test hole log shows 65 feet of saturated thickness and 127 feet of confining unit (shale/clay). Dividing the saturated thickness by the confining unit thickness (65/127) results in a factor of 0.51. A factor less than 1 gets 0.3 times the "normal" recharge. The K.A.R. 5-3-11 safe yield recharge value was determined to be 0.52 inches. Multiplying 0.52 inches x 0.3 results in a recharge of 0.156 inches. The area of consideration was determined to be 7,264 acres. Therefore, 7,264 acres x 0.156 inches x 100% recharge available / 12 provides a safe yield of 94.432 acre-feet. Existing appropriations total 0 acre-feet, leaving 94.432 acre-feet available, and the application requesting 15 acre-feet meets safe yield.

In addition, as noted there is limited development of water rights withdrawing water from the Dakota aquifer system in this immediate area (no other water right in the two-mile circle).

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 August 29, 2023. GMD No. 3 provided a recommendation on September 14, 2023.

The application has been reviewed by Mike Meyer, Water Commissioner at the Garden City Field Office. In an email dated December 27, 2023, 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.

Based on the above discussion, the source of supply is open for appropriation, well spacing regulations are met, the application meets 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.

Austin McColloch
Assistant Water Commissioner
Garden City Field Office

From: Meyer, Mike [KDA]
Sent: Fri 12/29/2023 11:42 AM
To: McColloch, Austin [KDA]
Subject: RE: Recommendation New App File No. 51064

Looks good, make sure the well log gets in docuware with the application. I assume your worksheet etc will have the add condition.

Thanks!

I recommend approval

From: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Sent: Friday, December 29, 2023 10:33 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Recommendation New App File No. 51064

Mike,

Attached is my draft memo for the above referenced new application. This was determined to be a Confined Dakota well. Therefore, not a 15 AF exemption application. However, the owner did request the rate be dropped to 99 GPM as he is unsure if there is a WLMT installed. Let me know if you have any questions.

Thanks,

Austin McColloch
Garden City Field Office
Ph: (620) 276-2901

WATER WELL RECORD Form WWC-5

Division of Water Resources; App. No.

1 LOCATION OF WATER WELL: County: Gray

Fraction: NE ¼ NE ¼ SW ¼ | Section Number: 2 | Township Number: T 29 S | Range Number: R 29 E(W)

Distance and direction from nearest town or city street address of well if located within city? From Montezuma, 2½ m. South on 12 Rd. then ½ m. west.

Global Positioning Systems (decimal degrees, min. of 4 digits)
Latitude:
Longitude:
Elevation:
Datum:
Data Collection Method:

2 WATER WELL OWNER: Jeff Watson
RR#, St. Address, Box # : P.O. Box 583
City, State, ZIP Code : Cimarron, KS. 67835

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:

N / W / E / S — NW, NE, SW (X), SE

4 DEPTH OF COMPLETED WELL 375 ft.

Depth(s) Groundwater Encountered (1) ..... ft. (2) ..... ft. (3) ..... ft.
WELL'S STATIC WATER LEVEL 188 ft. below land surface measured on mo/day/yr 4/13/10
Pump test data: Well water was ..... ft. after ..... hours pumping ..... gpm
Est. Yield ..... gpm: Well water was ..... ft. after ..... hours pumping ..... gpm

WELL WATER TO BE USED AS: 5 Public water supply 8 Air conditioning 11 Injection well
(1) Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)
2 Irrigation 4 Industrial 7 Domestic (lawn & garden) 10 Monitoring well .....

Was a chemical/bacteriological sample submitted to Department? Yes ..... No X ; If yes, mo/day/yrs Sample was submitted .....
Water well disinfected? Yes X No .....

5 TYPE OF CASING USED: 5 Wrought Iron 8 Concrete tile CASING JOINTS: Glued X Clamped .....
1 Steel 3 RMP (SR) 6 Asbestos-Cement 9 Other (specify below) Welded .....
2 PVC 4 ABS 7 Fiberglass ..... Threaded .....
Blank casing diameter 5 in. to 315 ft., Diameter ..... in. to ..... ft., Diameter ..... in. to ..... ft.
Casing height above land surface 12 in., Weight ..... lbs./ft. Wall thickness or guage No. SDR 17

TYPE OF SCREEN OR PERFORATION MATERIAL:
1 Steel 3 Stainless Steel 5 Fiberglass (7) PVC 9 ABS 11 Other (Specify) .....
2 Brass 4 Galvanized Steal 6 Concrete tile 8 RM (SR) 10 Asbestos-Cement 12 None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE:
1 Continuous slot 3 Mill slot 5 Gauzed wrapped 7 Torch cut 9 Drilled holes 11 None (open hole)
2 Louvered shutter 4 Key punched 6 Wire wrapped (8) Saw cut 10 Other (specify) .....

SCREEN-PERFORATED INTERVALS: From 315 ft. to 375 ft., From ..... ft. to ..... ft.
From ..... ft. to ..... ft., From ..... ft. to ..... ft.
GRAVEL PACK INTERVALS: From 24 ft. to 300 ft., From 310 ft. to 375 ft.
From ..... ft. to ..... ft., From ..... ft. to ..... ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout (3) Bentonite 4 Other .....
Grout Intervals: From 4 ft. to 24 ft., From 300 ft. to 310 ft., From ..... ft. to ..... ft.

What is the nearest source of possible contamination:
1 Septic tank 4 Lateral lines 7 Pit privy 10 Livestock pens 13 Insecticide storage 16 Other (specify below)
2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 14 Abandoned water well In Pasture
3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 15 Oil well/gas well
Direction from well? ..... How many feet? .....

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	2	Topsoil	183	310	Shale
2	80	Tan clay	310	375	Sandstone & shale layers
80	132	Med. Sand			
132	133	Tan clay			
133	134	Rock layer			
134	138	Tan clay			
138	139	Rock layer			
139	150	Yellow clay			
150	152	Shale			
152	183	Shale + sandstone layers			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) 4/13/10 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 533 This Water Well Record was completed on (mo/day/year) 6/10/10 under the business name of Janteen Water Well by (signature)

INSTRUCTIONS: Use typewriter or ball point pen. *PLEASE PRESS FIRMLY* and *PRINT* clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Telephone 785-296-5522. Send one to WATER WELL OWNER and retain one for your records. Fee of $5.00 for each constructed well. Visit us at http://www.kdheks.gov/waterwell/index.html.

KSA 82a-1212

Report Date: Monday, September 11 2023

Water Rights and Points of Diversion Within 2 miles of point defined as:
2728 Feet N and 2606 Feet W of the Southeast Corner of Section 2 Twp 29S Rng 29W
Located at: 100.461001 West Longitude and 37.555000 North Latitude
GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 3699	00	IRR	NK	G	8676	--	NW	SW	NW	3920	4950	10	29	29W	1		281.00	281.00	AF
A__ 7609	00	IRR	NK	G	10515	--	NW	NW	SW	-----	-----	26	28	29W	1		519.00	519.00	AF
A__ 9548	00	IRR	NK	G	7939	--	NW	SW	NW	3630	5170	3	29	29W	1		212.00	212.00	AF
Same					8600	--	NW	SW	SW	875	5180	34	28	29W	1		21.00	21.00	AF
A__ 10370	00	IRR	NK	G	7939	--	NW	SW	NW	3630	5170	3	29	29W	1		127.00	127.00	AF
Same					8600	--	NW	SW	SW	875	5180	34	28	29W	1		280.00	280.00	AF
A__ 10524	00	IRR	NK	G	7644	--	NE	NE	SW	2590	2680	10	29	29W	2		296.00	155.50	AF
A__ 16539	00	IRR	NK	G	5859	--	NW	NW	NE	-----	-----	10	29	29W	3		180.00	180.00	AF
A__ 16884	00	IRR	NK	G	7759	--	NE	NE	NW	5150	2850	35	28	29W	2		640.00	640.00	AF
A__ 18050	00	IRR	NK	G	2524	--	SE	NE	SE	-----	-----	2	29	29W	2		320.00	320.00	AF
A__ 24458	00	IRR	NK	G	10073	--	NW	NW	NE	4880	2400	13	29	29W	4		317.00	317.00	AF
A__ 45482	00	IND	NK	G	7781	--	SE	NW	NW	4443	4596	36	28	29W	2	*	2.53	2.53	AF
A__ 51064	00	IND	AY	G	0	--	NE	NE	SW	2728	2606	2	29	29W	4		15.00	15.00	AF
T__ 20187073	MF	IRR	GY	G	8600	--	NW	SW	SW	875	5180	34	28	29W	1		1505.00	.00	AF
T__ 20197021	MF	IRR	GY	G	7939	--	NW	SW	NW	3630	5170	3	29	29W	1		202.40	.00	AF
VGY 22	00	IRR	AA	G	5167	--	NW	NE	NW	5246	3568	12	29	29W	2		280.00	280.00	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	15.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	3055.03	.00
Total Vested Amount (AF) =	280.00	.00
TOTAL AMOUNT (AF) =	3350.03	.00

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

Water Rights and Points of Diversion Within 2 miles of point defined as:
2728 Feet North and 2606 Feet West of the Southeast Corner of Section 2 Twp 29S Rng 29W
Located at: 100.461001 West Longitude and 37.555000 North Latitude
GROUNDWATER ONLY
WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
> JEFF SCHMIDT FAMILY TRUST			

>
> 32502 10 RD
> MONTEZUMA KS 67867
>----------
> VICTOR V & LOUISE M THOMAS TRUSTS
>
> PO BOX 381
> MONTEZUMA KS 67867
>----------
> DANIEL & SANDRA DIRKS TRUST
>
> PO BOX 558
> MONTEZUMA KS 67867
>----------
> DANIEL & SANDRA DIRKS TRUST
>
> PO BOX 558
> MONTEZUMA KS 67867
>----------
> JEFF SCHMIDT FAMILY TRUST
>
> 32502 10 RD
> MONTEZUMA KS 67867
>----------
> RONNIE JANTZ
>
> 10805 FF RD
> MONTEZUMA KS 67867
>----------
>   REED FARMS INC
> JEFF REED
> PO BOX 457
> MONTEZUMA KS 67867
>----------
>   FARMERS NATIONAL COMPANY
> TR REAL ESTATE MONTGOMERY
> PO BOX 1834
> GARDEN CITY KS 67846
>----------
> WENDEL KOEHN
>
> 33305 13 RD
> MONTEZUMA KS 67867
>----------
> NEIL PETERS
>
> PO BOX 113
> MONTEZUMA KS 67867
>----------
> MATTHEW T & ASHLEY D DIRKS
>
> 6604 AA RD
> MONTEZUMA KS 67867
>----------
> DANIEL & SANDRA DIRKS TRUST
>
> PO BOX 558
> MONTEZUMA KS 67867
>----------
> DANIEL & SANDRA DIRKS TRUST
>
> PO BOX 558
> MONTEZUMA KS 67867
>----------
> KEVIN REDGER
>

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>  12105 FF RD
>  MONTEZUMA KS 67867
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CONFINED DAKOTA AQUIFER SYSTEM SAFE YIELD EVALUATION FILE NUMBER: **51,064**

Safe Yield Calculation

Thickness of Saturated Aquifer (in feet)	divided by	Thickness of Confining Unit (in feet)	=	A Factor
65		127	=	0.51

If Factor < 1 **Multiply Normal Recharge by 0.3 to get Confined Aquifer Recharge (in inches)**

If Factor is between 1 and 2 Multiply Normal Recharge by 0.4 to get Confined Aquifer Recharge (in inches)

If Factor > 2 Multiply Normal Recharge by 0.5 to get Confined Aquifer Recharge (in inches)

Normal Recharge (per 5-3-11) = 0.52 inches 0.52 inches x 0.3 =0.156 inches of recharge

Area of consideration = 7264 acres

Annual Recharge = 0.156 inches

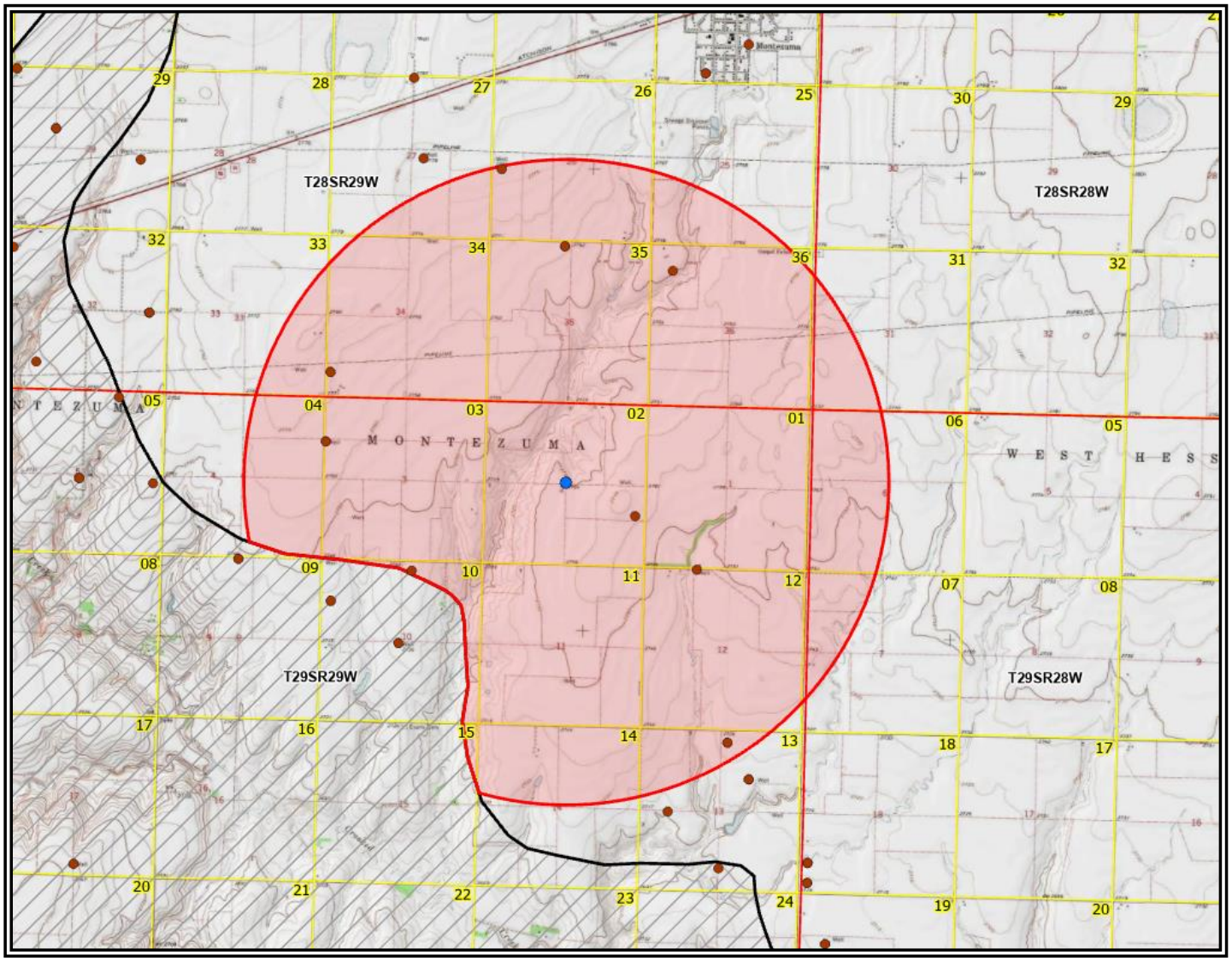
Percent Recharge = 1 100%

Confined Dakota Aquifer Safe Yield = **94.432** acre-feet

This would provide more recharge to a well that has a thinner confining unit and greater saturated thickness (i.e. a higher factor score).

Further review indicates that saturated thickness of the aquifer and thickness of confining unit are the 2 key variables that would most likely influence well production and recharge, respectively. Therefore, a weighted system was designed to account for this by dividing the saturated thickness by the thickness of the confining unit. The less confining unit you have the higher the recharge potential and the greater the saturated thickness the better production you will get from the well. This ratio provides a factor which can be used to evaluate the percentage of safe yield to consider as reasonable. Saturated thickness is pertinent to safe yield since per definition it is "long-term sustainable yield of the source".

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 02-29S-29W
Footages from SE corner- 2,728 feet North 2,606 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 94.432 AF.
Total prior appropriations in the circle is 0.0 AF.
Total quantity of water available for appropriation is 94.432 AF.

Safe Yield Variables

The area used for the analysis is set at 7264 acres.
The potential annual recharge at the circle center is estimated to be 0.156 inches.
The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 29-DEC-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 0 water rights and 0 points of diversion within the circle sourcing the Confined Dakota aquifer.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres

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. 51,064** of the applicant

MATTHEW DIRKS
6604 AA RD
MONTEZUMA KS 67867-9054

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 **June 26, 2023**.

2. That the water sought to be appropriated shall be used for industrial use at a facility in the Southwest Quarter (SW¼) of Section 2, in Township 29 South, Range 29 West, Gray County, Kansas.

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 Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE¼ NE¼ SW¼) of Section 2, more particularly described as being near a point 2,428 feet North and 2,606 feet West of the Southeast corner of said section, in Township 29 South, Range 29 West, Gray 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 **99 gallons per minute (0.22 c.f.s.)** and to a quantity not to exceed **4.88 million gallons of water (15 acre-feet)** 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 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).

13. 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.

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

15. 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 permit holder shall submit a progress report to the office of the Chief Engineer by March 1, following the tenth full calendar year after the permit was issued. The progress report must be submitted on a form prescribed by the Chief Engineer, and shall compare annual water use projected in the original application with the actual annual water use for the prior 10 years. The progress report must document compliance with the approved conservation plan, contain sufficient details to determine the extent of perfection of the water right during the previous ten years, and demonstrate how the water right, in association with other water rights, meets the municipal use need.

17. That the applicant shall set surface casing through any shallow groundwater aquifers, and shall cause the wells under this appropriation to be constructed so that the source of supply will be restricted to withdrawal of water from the confined Dakota aquifer system **below a depth of 310 feet below ground surface**, thereby precluding withdrawal of water from any overlying water-bearing strata and ensure that an adequate seal is placed between the confined Dakota aquifer system, and all overlying water-bearing strata so as to prevent any movement of water between formations.

18. That the gravel pack shall not extend more than two feet above the top of the well screen, and shall be properly sealed (e.g. bentonite pellets) so as to prevent any movement of water between formations along the well annulus.

19. 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 18th day of January, 2024, in Manhattan, Riley County, Kansas.

DIVISION OF WATER RESOURCES
EARL D. LEWIS, JR., P.E.
CHIEF ENGINEER
KANSAS DEPT OF AGRICULTURE

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.

Notary Public

STATE OF KANSAS NOTARY PUBLIC

MELINDA JENNINGS
My Appointment Expires
April 7, 2025

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 23, 2024

MATTHEW DIRKS
6604 AA RD
MONTEZUMA KS 67867-9054

RE: Appropriation of Water
File No. 51,064

Dear Mr. Dirks:

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 *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 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 Unit Supervisor
Division of Water Resources

KAB:kak:am
Enclosure(s)
pc: Garden City Field 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:

1) request an evidentiary hearing before the Chief Engineer, or
2) 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 Section, 1320 Research Park Drive, Manhattan, KS 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 hearing 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, KS 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.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 – 6777.

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. 51,064, dated January 18, 2024, was mailed postage prepaid, first class, US mail to the following:

MATTHEW DIRKS
6604 AA RD
MONTEZUMA KS 67867-9054

With photocopies to:

KDA-DWR Garden City Field Office

Southwest Kansas GMD No. 3

Division of Water Resources