

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

1. File Number: <p style="text-align: center; font-weight: bold; font-size: 1.2em;">50278</p>	2. Status Change Date: <p style="text-align: center; font-weight: bold; color: purple;">6/22/2020</p>	3. Field Office: <p style="text-align: center; font-weight: bold; font-size: 1.2em;">02</p>	4. GMD: <p style="text-align: center; font-weight: bold; font-size: 1.2em;">02</p>
--	--	--	---

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)                      Person ID 60547  
New to system                       Add Seq# \_\_\_\_\_

JARED C & YOLANDA M OATNEY  
11215 W LONGVIEW RD  
PARTRIDGE, KS 67566

  
  

7b. Landowner(s)                      Person ID 66824  
New to system                       Add Seq# \_\_\_\_\_

DAVID MILLER  
9500 GEORGEVILLE RD  
PLAIN CITY, OH 43064

7c. Landowner(s)                      Person ID 66825  
New to system                       Add Seq# \_\_\_\_\_

ALVA & DOROTHY JANE MILLER TRUST  
4517 W MILLS RD  
HUTCHINSON, KS 67501

  
  

7d. Landowners                      Person ID 66826  
New to system                       Add Seq# \_\_\_\_\_

DANIEL MILLER  
1246 ASH LANE  
CANON CITY, CO 81212

8. WUR Correspondent                      Person ID \_\_\_\_\_  
New to system                       Add Seq# \_\_\_\_\_  
Overlap File (s) WUC                      Notarized WUC Form   
Agree  Yes  No  
**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: \_\_\_\_\_                       OTHER: \_\_\_\_\_

10. Completion Date: 12/31/2021                      11. Perfection Date: 12/31/2025                      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: \_\_\_\_\_

6/9/2020  
KAB
Date Prepared: 5/20/20    By: **BMM**  
Date Entered: 6/23/2020  
LMoody    By: \_\_\_\_\_

File No. **50278**      15. Formation Code: **190**      Drainage Basin: **Arkansas River**      County: **RN**      Special Use:      Stream:

16. Points of Diversion										17. Rate and Quantity				
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized Rate gpm	Quantity af	Additional Rate gpm	Quantity af	Overlap PD Files
<del>CHK</del>	87653	<del>NE SE NE</del>	36	23S	7W	4	3960	60		800	<del>155.9</del>	800	<del>155.9</del>	NA
<b>MOD</b>		<b>SE NE NE</b>									<b>158.9</b>		<b>158.9</b>	

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 **12/31/2021**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use																		Total	Owner	Chg? NO	Overlap Files					
T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼								
						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					
<b>CHK</b>	<b>69576</b>	<b>36</b>	<b>23</b>	<b>7W</b>	<b>4</b>		41															41	<del>7b,7c,7d</del>	<b>7bN</b>	NA	
<b>CHK</b>	<b>69577</b>	<b>36</b>	<b>23</b>	<b>7W</b>	<b>5</b>	34																34	<del>7b,7c,7d</del>	<b>7cN</b>	NA	
<b>CHK</b>	<b>69578</b>	<b>36</b>	<b>23</b>	<b>7W</b>	<b>6</b>			20	18.5													38.5	<del>7b,7c,7d</del>	<b>7dN</b>	NA	

Comments: **KAB 6/9/2020**



**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** May 20, 2020

**FROM:** Brandon Milner

**RE:** New Application,  
File No. 50,278

Jared Oatney has filed an application to appropriate groundwater for irrigation use, requesting a one new well with a requested quantity of 158.9 acre-feet at a diversion rate of 800 gallons per minute. The proposed point of diversion will be a single well located in the Northeast quarter of the Southeast quarter of the Northeast quarter of Section 36 more specifically described as being near a point at 3960' North and 60' West of the Southeast corner of said section, in Township 23 South, Range 7 West in Reno County. ~~The entire place of use is owned by the applicant.~~ The applicant has signed the application form stating that he has legal access to the point of diversion.

This application does not overlap with any other Water Rights in the point of diversion or on the place of use. The proposed quantity of 158.9 acre-feet per year would be used for the irrigation of 113.5 acres. This would provide the maximum allowable of 1.4 acre-feet per acre in Reno County Kansas.

The source of water for this application would be the Equus beds aquifer. Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile radius of the point of diversion, which establishes the area of consideration. Safe-Yield for this application was ran by Groundwater Management District. No. 2 with an evaluation received on April 9th, 2020. Evaluation of the area of consideration included the extent of the unconfined aquifer, provided an area of consideration of 8,042 acres with a potential annual recharge of 3 inches in 4627 acres and potential annual recharge of 6 inches for 3415 acres. Safe yield was determined to be 2478.67 acre-feet. There are multiple existing water rights within the area of consideration, with the total prior appropriation being 2382.19 acre-feet. This leaves 255.38 acre-feet available for appropriation for this irrigation application.

**1000'**

There are four domestic water rights within ½ mile of the point of diversion with the nearest domestic well being located ~~4200~~ feet away. ~~A letter of concern was received from this domestic water right owner on January 16, 2020.~~ There are no Water Rights within ½ mile of the point of diversion with the nearest non-domestic well being located 2900 feet away. The nearby letters were sent to the domestic well owners on January 6, 2020. Three written comments were received about this application. The first written comment was received on January 16, 2020 from the ~~nearest~~ domestic well owner who had concerns about the amount of water available with this new application. The second written comment was received on January 22, 2020 from a nearby domestic well owner with concerns about the volume of water available in the area and farming practices by the applicant. The last letter of concern was received on

**The nearest domestic well owner didn't provide any comments.**

**KAB 6/9/2020**

**The domestic wells associated with the individuals who submitted comments are approximately 1800' away.**

January 22, 2020 from a nearby well owner with concerns about volume of water being available in the area.

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.

Based on the above discussion, the area is open to new appropriations, the application complies with safe yield, it is recommended that the referenced new application be approved.

**GMD2 recommended approval on April 4, 2020.**

**SFFO recommended approval on June 2, 2020.**

**Spacing is met and area water levels appear stable.**

**KAB 6/9/2020**

Brandon Milner  
Environmental Scientist  
Water Appropriation Program

**From:** Lanterman, Jeff [KDA]  
**Sent:** Tue 6/2/2020 10:26 AM  
**To:** Baum, Kristen [KDA];Milner, Brandon [KDA]  
**Cc:** Conant, Cameron [KDA]  
**Subject:** FW: New App 50,278  
**Attachments:** 50278 Memo Oatney.doc, 50278 test log.pdf

Good morning all.

I recommend approval of this application. Cameron has been in contact with Jared Oatney on it and talked to Kristen about kicking it up the line.

Thanks  
Jeff

---

**From:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Sent:** Monday, June 1, 2020 3:40 PM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Subject:** FW: New App 50,278

Jeff, this application is for an irrigation well in Reno County, in GMD#2. The application is requesting 158.9 AF on 113.5 acres, which is a reasonable quantity for Reno County.

GMD#2 has recommended approval of this application. The GMD safe-yield indicates water is available and shows a large portion of the circle in the enhanced well spacing area that has a limited recharge of 3", and a smaller portion of the circle outside the enhanced well spacing area that still operates under 6" of recharge. Initially I found this odd, but after further review, the SY looks appropriate for all rules in place now and all rules in place when the application was filed. This is NOT a SY that has a boundary issue like a couple we have seen recently, this is normal and looks ok. I would note that there is not much irrigation development in the Northern portion of the circle, presumably because the water quality is poor. However, GMD and the applicant have confirmed the water quality at the proposed location is good for irrigation, quality reports are in docuware.

Spacing is met to all nearby domestic wells and to all nearby water rights. There were 2 letters of concern, GMD has copied the letter of concern owners on their recommendation and has reviewed their comments, specifically with regard to water levels.

Nearby hydrographs show fairly stable water levels. There was some decline during the 2011 drought but water levels appear to have recovered to within a foot of levels in 2003. Based on the depth of the test log and the water level, the area looks pretty good even with the drop during the drought.

[http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs\\_id=380010098020801](http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=380010098020801) (3/4 mile south-98' deep)

[http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs\\_id=380008098011901](http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=380008098011901) (1 mile SE- 95' deep)

[http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs\\_id=380017098024801](http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=380017098024801) (3/4 mile south - unknown depth)

[http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs\\_id=380041098033401](http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=380041098033401) (1 mile SW-unknown depth)

I think the FO can recommend approval of this application. Please pass on to Brandon if you agree and let me know if you have any questions. Thanks,

Cameron

---

**From:** Milner, Brandon [KDA] <[Brandon.M.Milner@ks.gov](mailto:Brandon.M.Milner@ks.gov)>  
**Sent:** Wednesday, May 20, 2020 4:04 PM

**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Cc:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** New App 50,278

Good afternoon Guys,

I have attached a memo for the new application No. 50,278 for Jared Oatney. This one has had a few concerns about it that are in docuware. There is a new map from the original application that is attached to the GMD #2 recommendation. Could you please provide your recommendation on this? Thanks!

Brandon

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, Acting Secretary

Laura Kelly, Governor

JARED C & YOLANDA M OATNEY  
11215 W LONGVIEW RD  
PARTRIDGE, KS 67566

RE: Appropriation of Water, File No. 50,278

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](http://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/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Division of Water Resources

KAB:bmm

Enclosure(s)

pc: Stafford Field Office  
Equus Beds GMD No. 2  
David Miller  
Alva & Dorothy Jane Miller Trust  
Daniel Miller



# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Christopher W. Beightel, Acting 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. 50,278** of the applicant

**JARED C & YOLANDA M OATNEY**  
**11215 W LONGVIEW RD**  
**PARTRIDGE, KS 67566**

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 **August 5, 2019**
2. That the water sought to be appropriated shall be used for irrigation use on land, all located in the land described in the application, as follows:

Sec.	Twp.	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
36	23S	7W	34	41	20	18.5													113.5

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 Northeast Quarter (SE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 36, more particularly described as being near a point 3,960 feet North and 60 feet West of the Southeast corner of said section, in Township 23 South, Range 7 West, Reno County, Kansas located substantially as shown on the map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **158.9 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, 2021** 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, 2025** 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 22<sup>nd</sup> day of June, 2020, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas            )  
  ) SS  
County of Riley            )

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of June, 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Katie N. Anderson

Notary Public



Ordered this 22<sup>nd</sup> day of June, 2020, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas            )  
  ) SS  
County of Riley            )

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of June, 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Katie N. Anderson

Notary Public



**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, 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 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, 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<sup>th</sup> day of June, 2020, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,278, dated June 22, 2020 was mailed postage prepaid, first class, US mail to the following:

JARED C & YOLANDA M OATNEY  
11215 W LONGVIEW RD  
PARTRIDGE, KS 67566

With photocopies to:

Stafford Field Office

GMD #2

DAVID MILLER  
9500 GEORGEVILLE RD  
PLAIN CITY, OH 43064

ALVA & DOROTHY JANE MILLER TRUST  
4517 W MILLS RD  
HUTCHINSON, KS 67501

DANIEL MILLER  
1246 ASH LANE  
CANON CITY, CO 81212

*Kate Anderson*

Division of Water Resources