

File No. **50,088** 15. Formation Code: Drainage Basin: **Arkansas River** County: **RN** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
CHK			79470	NW NE SW	36	23S	7W	3	1991	3677	400	102.2	100	21	44768

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: **102.2** af/yr at **400** gpm (**0.89** cfs) when combined with file number(s) **44768**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? **x Yes** No To be installed by **12/31/2021** Date Acceptable Meter Installed _____

21. Place of Use										NE¼								NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	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	NE ¼	NW ¼	SW ¼	SE ¼						
CHK			54390	36	23S	7W	1									37	16	5	11.3									69.3	7a	YES	44768		
CHK			68860	36	23S	7W	3												3.7								3.7	7b	YES	44768			

Comments:
Change Application for 44768 creates complete overlap in point of diversion and place of use (73 acres total)

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

TO: Files **DATE:** March 11, 2020
FROM: Kris Neuhauser **RE:** New Application
File No. 50,088

Orville Miller, on behalf of Salt Creek Land, L.L.C., has filed the above referenced application proposing to appropriate 102.2 acre-feet of groundwater per calendar year at a diversion rate not to exceed 400 gallons per minute for irrigation use from one well. The proposed point of diversion is currently authorized by Water Right, File No. 44,768, located in the Southwest Quarter (SW¼) of Section 36, Township 23 South, Range 7 West, Reno County, Kansas.

A change application has been filed alongside this application, to change the authorized place of use under Water Right, File No. 44,768. If approved, this would create a complete overlap in place of use with this application. The change application is being processed by Richelle Environmental Scientist, Change Unit.

File No. 44,768 is authorized 81.2 acre-feet, at 300 gallons per minute from one well located in Section 36, Township 23 South, Range 7 West, Reno County, Kansas, for the irrigation of 63.80 acres in the Southwest Quarter (SW¼) of Section 36. The referenced change application proposes to create a complete overlap in the point of diversion and place of use with Application, File No. 50,088, for a total of 73 acres in Section 36.

The total limited quantity under File Nos. 44,768 and 50,088, 102.2 acre-feet, can irrigate the proposed 73 acres with 1.4 acre-feet per acre, which appears reasonable since the maximum acre-feet per acre allowed in Reno County is 1.4 acre-feet per acre. The additional quantity acquired by File No. 50,088 should be enough to cover any increase in consumptive use.

Fourteen well owners were identified within a half-mile of the proposed point of diversion, and letters were sent out on August 5, 2019. Two responses were received; one being a phone call from Glenn Nisly on August 12, 2019, who expressed concern about the quantity requested by the application. Shirley, Nisly wrote a letter dated August 19, 2019, expressing concern about the possibility of their domestic well being affected if the application were to be approved.

Per the requirements in K.A.R. 5-4-4, minimum well spacing should be 1,320 feet to non-domestic wells and 660 feet to domestic wells with the same source of supply. The closest Water Right of any kind is over 3,000 feet away, while the closest domestic well is over 1,300 feet away. Therefore, the proposed point of diversion meets minimum well spacing requirements.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

In a letter dated January 29, 2020, Tim Boese, Manager of Equus Beds Groundwater Management District No. 2 recommended that the application be approved subject to the quantity of water and the maximum rate of diversion being limited to 102.2 acre-feet per calendar year and 400 gallons per minute when combined with Water Right, File No. 44,768.

In email conversation on April 9, 2020, Jeff Lanterman, Water Commissioner of the Stafford Field Office, indicated no objections to approval of the referenced application.

Based on the above discussion, and that the 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.

A handwritten signature in black ink, appearing to read "Kris Neuhauser". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Kris Neuhauser
Environmental Scientist

From: Rebecca Wilson
Sent: Thu 1/30/2020 8:59 AM
To: Neuhauser, Kris [KDA]
Cc: Curtis, Faith [KDA]
Subject: 50088 New App Approval Recommendation
Attachments: 50088 New App Approval Recommendation 1-29-20.pdf, 44768 50088 Meter Letter 1-29-20.pdf

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Kris,

Attached you will find the New Application Approval Recommendation Letter and Meter Letter from Manager Tim Boese for file #50088.

Please let me know if you have any difficulties opening the attachments.

Thanks!

Rebecca Wilson

Rebecca Wilson
Administrative Assistant
Equus Beds GMD2
313 Spruce Street
Halstead, KS 67056
316-835-2224
316-835-2225 Fax
rwilson@gmd2.org
www.gmd2.org

JEFF WINTER, PRESIDENT
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TIM BOESE, MANAGER
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JOE PAJOR
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EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

January 29, 2020

Salt Creek Land LLC
6400 W. Illinois Ave
Hutchinson, KS 67501

Re: Appropriation Permit Application No. 50088 and Change Application No. 44768

Dear Sir or Madam:

The Equus Beds Groundwater Management District No. 2 made a recommendation to the Division of Water Resources that new application no. 50088 and change in place of use application no. 44768 be approved. Pursuant to K.A.R. 5-22-4a, the well described in the applications must be equipped with a District approved water flowmeter.

The well location is in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter of Section 36, Township 23 South, Range 7 West, Reno County.

The well must be properly equipped with an approved meter within 30 days after the approved well is operational and prior to its operation. If more time is needed to install the meter or modify an existing meter installation, you may request an extension of time. The request must be made to the District before the end of the 30-day period.

Enclosed is a Flow Meter Installation form to be completed and returned to this office after completion of the meter installation or modifications. A copy of the Division of Water Resources' meter installation notification form (Notice and Proof of Completion of Works) may be substituted for the District form. Upon receiving the completed form, the District will inspect the installation.

Also enclosed is a copy of water meter and installation specifications. The water meter must meet these specifications and the list of certified water meters provided under K.A.R. 5-1-12, for District approval. The list of certified water meters can be obtained by contacting the District or at the following link: <http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-flowmeters>. If you have any questions about the District's metering program or the enclosed material, please contact the District for assistance.

Sincerely,
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

Tim Boese
Manager

TDB/db

Enclosures

pc: Omar L. & Elsie Miller Trust, Landowner
Jeff Lanterman, Division of Water Resources, Stafford

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JEFF WINTER, PRESIDENT
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EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

January 29, 2020

Chief Engineer, Division of Water Resources
Attn: Kris Neuhauser
1320 Research Park Dr.
Manhattan, KS 66502

Re: Appropriation Application No. 50088 – Salt Creek Land LLC

Dear Mr. Neuhauser:

The Equus Beds Groundwater Management District No. 2 reviewed the referenced application on January 29, 2020, using the District's Revised Management Program (effective May 1, 1995), and Rules and Regulations K.A.R. 5-22-1 through 5-22-17.

The District's review found that the proposed point of diversion and place of use form an identical overlap with Water Right No. 44768, subject to the change in place of use application filed on Water Right No. 44768 being approved.

The application complies with the Revised Aquifer Management program approved by the Chief Engineer and with the District's Rules and Regulations K.A.R. 5-22-1 through 5-22-17. Based upon the review, the application is recommended for approval by the Equus Beds Groundwater Management District No. 2, subject to the quantity of water and the maximum rate of diversion of No. 50088 being further limited to 102.2 acre-feet and 400 gallons per minute when combined with Water Right No. 44768.

Please contact the District should you have any questions regarding the review or recommendation.

A District decision may be appealed to the District Board of Directors by submitting a written petition to the District office within 30 days from date of this notification, pursuant to K.A.R. 5-22-12

Sincerely,
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

Tim Boese
Manager
TDB/db

Enclosures

pc: Salt Creek Land LLC, Applicant and Landowner
Omar L. & Elsie Miller Trust, Landowner
Jeff Lanterman, Division of Water Resources, Stafford



EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2 FINAL APPLICATION REVIEW CHECKLIST

1) Application No. 50088 Date filed: 7/13/18
 2) Applicant: Salt Creek Land LLC County: Reno
 3) Proposed maximum quantity: 102.2 acre-feet/year Rate: 400 GPM
 4) Proposed Use: Irrigation
 5) P/D location: NW NE SW 36-23S-7W Geo Center: North 1991 ft, West 3677 ft
 6) Number and type of points of diversion listed on the application 1 Well

7) Meter required K.A.R. 5-22-4a or K.A.R. 5-22-8? Yes No, Why _____

8) Meets Safe Yield K.A.R. 5-22-7? Yes No N/A

(a) Total allowable appropriations: 2168.67 af/yr
 (b) Total existing appropriations: 1236.59 af/yr
 (c) Total small user exemptions: 0.00 af/yr
 (d) Total non-consumptive use: 0.00 af/yr
 (e) Total consumptive use: 1236.59 af/yr
 (Total existing appropriations) – (Total non-consumptive use)
 (f) exempt from regulation? Yes No,
 Cite exemption: _____

9) Meets Well Spacing K.A.R. 5-22-2? Yes No N/A

(a) POD in enhanced well spacing area? Yes No
 (b) Domestic well spacing interval: >660 ft
 (c) Non-Domestic well spacing interval: >1320 (400 GPM or less) ft

10) Meets Max Reasonable Quantity K.A.R. 5-22-14? Yes No N/A

(a) Irrigation max quantity: 1.4 acre-feet / acre
 application paragraph 3 value (acre-feet) / proposed acres = Q
 (b) Stockwater max quantity: _____ GPD _____ unit
 (c) Industry max quantity: _____ Acre
 Industry standard: _____
 (d) Municipal max quantity: _____ GCD
 Lesser of either 200 GCD or
 $1.10 * (X - Y) * 365 d * (z + t)$
 X - Average of last three years usage in Gallons per Capita per Day (GCD)
 Y - water usage for industries that use over 200,000 gal/yr (GCD)
 Z - Projected population in 20 years
 T - Reasonable projected water use for industries that use over 200,000 gallons per year (GCD)
 (e) Pond max quantity is _____
 (Net evap + seepage)/12 x pond area + any initial fill
 (f) Groundwater pit max Q: _____
 Net evap * pit area/12

11) Reasonable rate for intended use? Yes No N/A

12) Depth to water: 36.92 bls at observation well: 44768MW1

13) Date reviewed: January 29, 2020

14) Reviewed by: T. Boese Title: Manager

15) District recommendation: Approve Deny Other, see comment

16) Comments and Calculations:

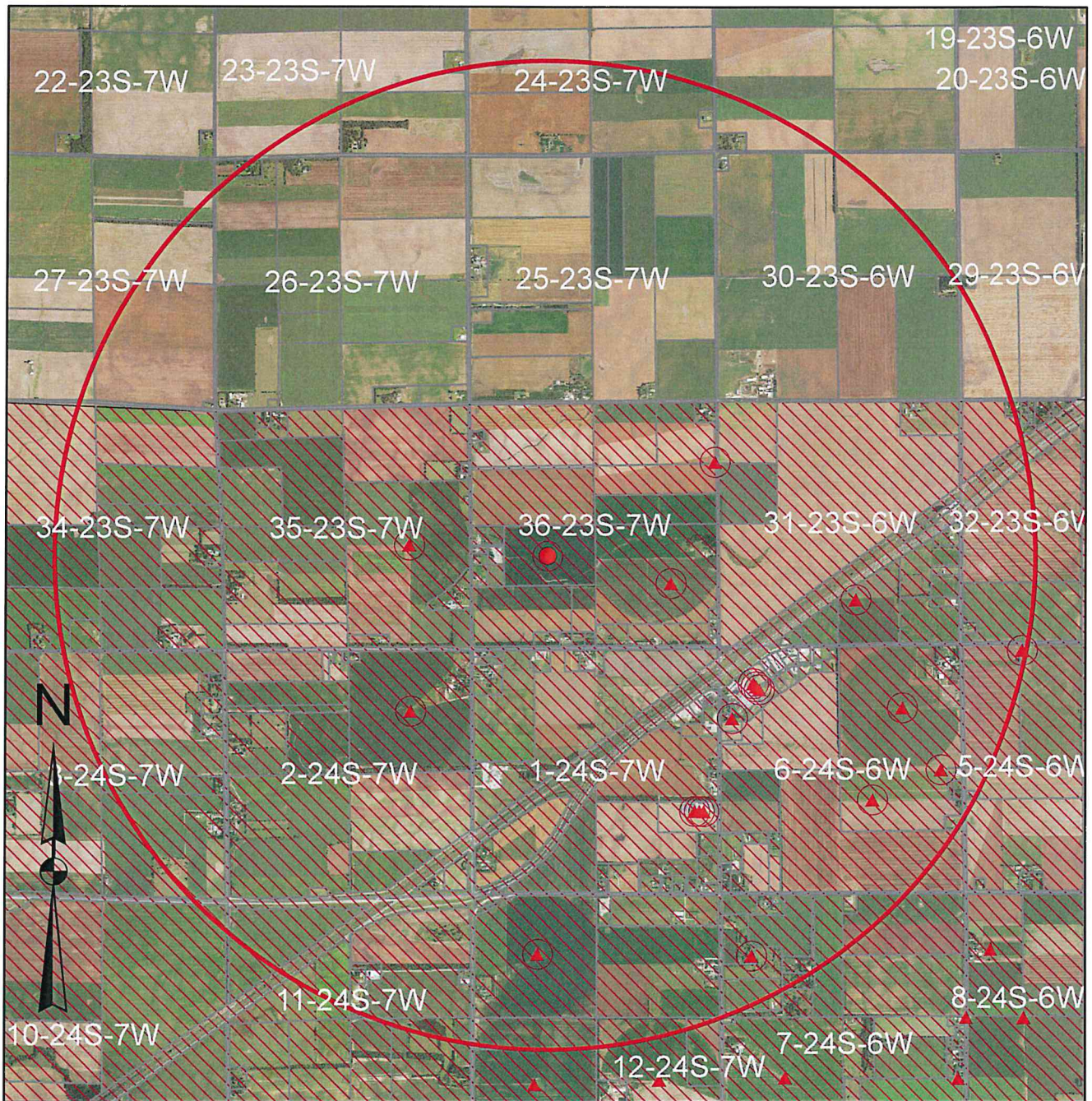
Review completed for an application submitted by Salt Creek Land LLC for irrigation in Reno County. Proposed point of diversion is an existing well authorized by Water Right No. 44768. Water Permit No. 44768 authorizes 81.20 AF at 300 GPM on 63.8 acres. Change in place of use application filed on No. 44768 to create identical place of use overlap with the 73 acre place of use proposed by No. 50088. Quantity and rate proposed of 102.2 AF and 400 GPM to be further limited to 102.2 AF and 400 GPM when combined with No. 44768.












Item 9: Proposed PD is located in the Enhanced Well Spacing Area. Proposed maximum pumping rate is 400 GPM, so must meet "normal" 1,320' spacing to non-domestic wells and 660' spacing to domestic wells.

Item 10(a) 102.2 AF/73 acres= 1.4 AF/A


Recommend Approval, complies with K.A.R. 5-22-2 through 5-22-17, subject to quantity and rate being limited to 102.2 AF and 400 GPM when combined with No. 44768.


Equus Beds Groundwater Management District No. 2 Safe Yield Evaluation #50088 - Salt Creek Land LLC NWNESW (1991'N & 3677'W) 36-23S-07W, Reno County Prepared By: T. Boese Date: 1/29/2020



	Proposed Point of Diversion	Map Legend	
	Area of Consideration Boundary		Major Highway
	Monitoring Wells		Other Roadway
	Points of Diversion		Major Stream
	District Boundary		Other Water Feature
			County Boundary
			City Boundary

0.45 0.225 0 0.45 Miles



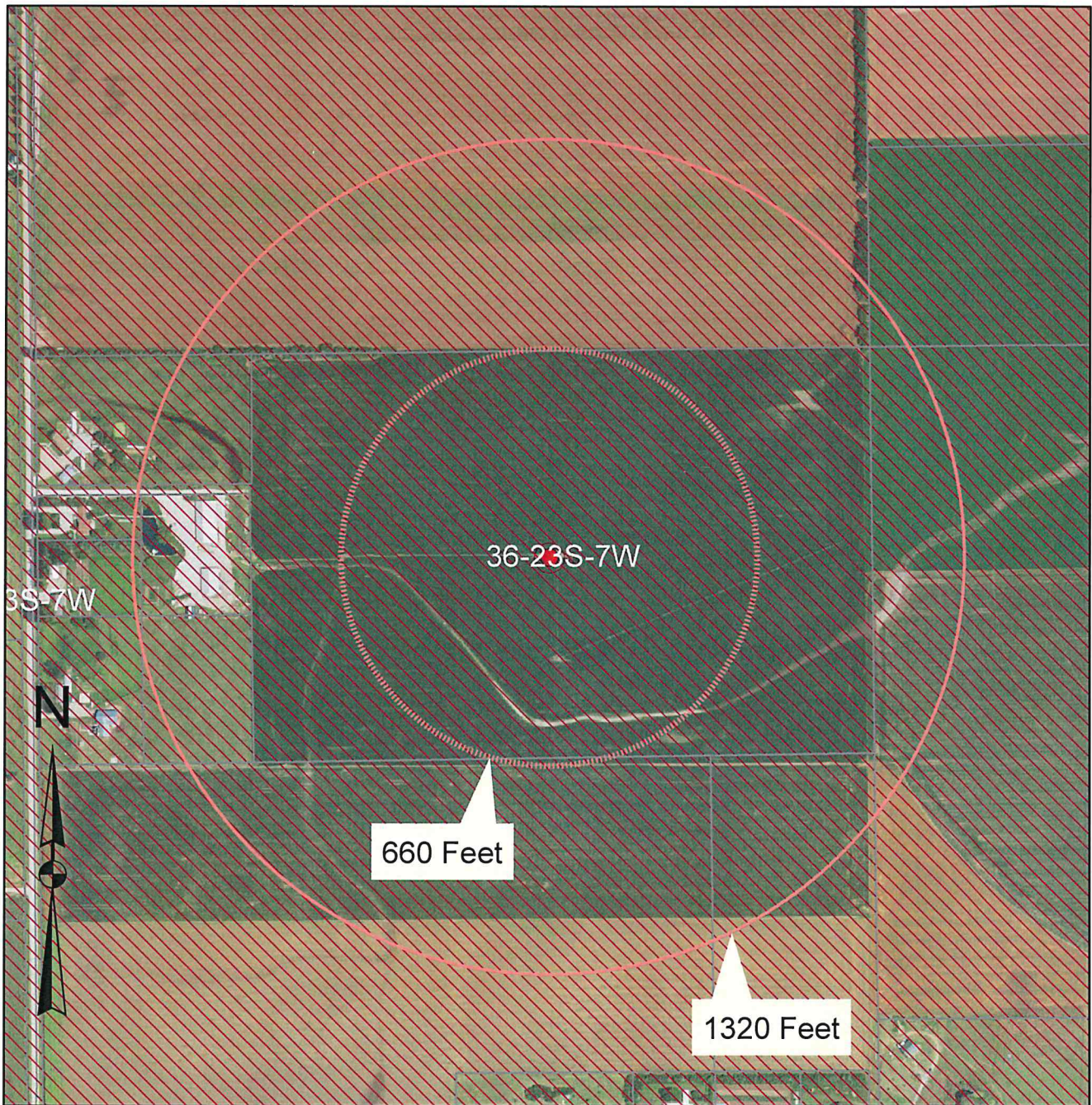
 Equus Beds Groundwater Management District No. 2
 313 Spruce Street, Halstead, KS 67056
 316-835-2224, equusbeds@gmd2.org












SAFETYIELD EVALUATION - NO. 50088 - SALT CREEK LAND LLC
LOCATION: NWNESW (1991'N & 3677'W) 36-23S-07W, Reno County
SPECIAL USE AREA: ENHANCED WELL SPACING AREA
EVALUATION DATE:- 1/29/2020

Total Areas: 8,042 acres; Area in 2 inch discharge zone: 5,557 acres; Area in 6 inch discharge zone: 2,485 acres

FILE_ID	WELL_ID	TOWNSHIP	RANGE	SECTION	QUALIFIER	USE	AUTHQUANTITY
A00415800	301	24S	06W	7	NCW2NW	IRR	120
A00631800	337	23S	06W	31	NWSWSE	IRR	64
A00771800	1530	24S	06W	6	39601350	IRR	89
A01288100	1587	24S	06W	6	20002000	IRR	49
A03819100	668	23S	07W	35	22451320	IRR	51
A03924200	440	24S	07W	2	39601320	IRR	157
A04247200	2306	24S	07W	12	40223933	IRR	173
A04476800	2886	23S	07W	36	19913677	IRR	81.2
A04518900	2960	23S	07W	36	13751032	IRR	114.8
A04612300	3251	23S	07W	36	13751032	IRR	57
A04622700	3271	24S	07W	1	17740432	IND	3.79
A04622700	3273	24S	07W	1	17700334	IND	0
A04622700	3272	24S	07W	1	17770530	IND	0
A04622800	3274	24S	06W	6	44474476	IND	10
A04622800	3275	24S	06W	6	45144539	IND	0
A04622800	3276	24S	06W	6	43804412	IND	0
A04622900	3277	24S	06W	6	37724994	IND	9.6
A04633200	3295	24S	06W	6	26280497	IND	10
A04724600	3581	24S	06W	5	52303860	IRR	92.4
A04980400	4964	23S	07W	35	22451320	IRR	133.8
A05008800P	5256	23S	07W	36	19913677	IRR	21
A05027800P	5254	23S	07W	36	39600060	IRR	0
Allowable Appropriations		2,168.67			Total Existing Appropriation		1,236.59
Small User Quantity		0			Non Consumptive Appropriations		0
Remaining SUQ		45			Consumptive Appropriations		1,236.59
Note- Values are in acre-feet					Available Appropriations		932.08

Equus Beds Groundwater Management District No. 2
 Spacing Evaluation #50088 - Salt Creek Land LLC
 NWNESW (1991'N & 3677'W) 36-23S-07W, Reno County
 Prepared By: T. Boese Date: 1/29/2020

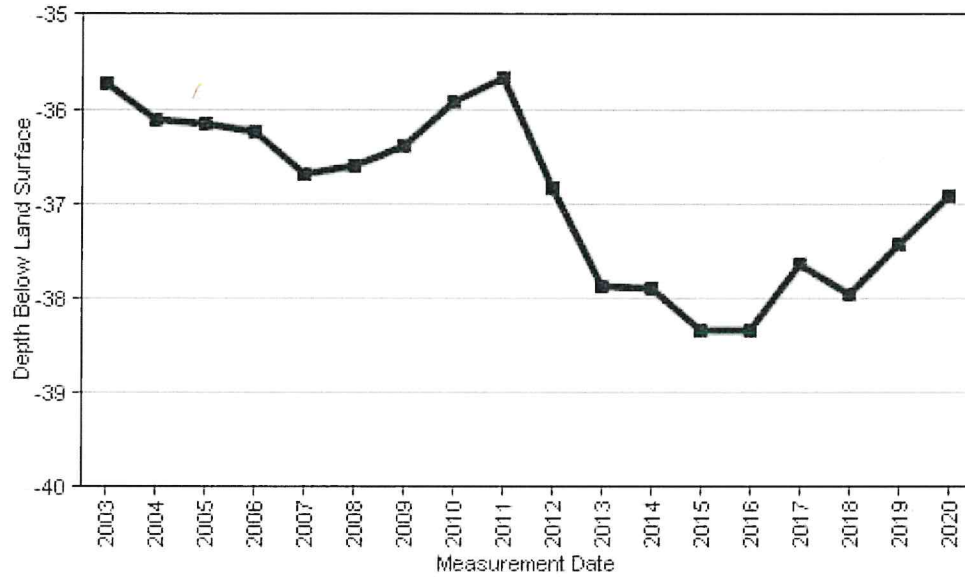


	Proposed Point of Diversion	Map Legend
	Area of Consideration Boundary	 Major Highway
	Monitoring Wells	 Other Roadway
	Points of Diversion	 Major Stream
	District Boundary	 Other Water Feature
0.065 0.0325 0 0.065 Miles		 County Boundary
		 City Boundary

44768MW1 Water-Level Data – NE-NW-SW 36-23S-7W, Reno County

Hydrograph- Annual Average Depth to Water Below Land Surface

Source: Kansas Geological Survey



Actual Water-Level Data – Collected by GMD2

Date	Depth to Water	Status	Agency	Method	WL Source	Tape Hold	Chalk Cut	Initials
JAN-06-2003	-35.52	-	GMD2	Steel Tape	-	-	---	TDB
FEB-03-2003	-35.5	-	GMD2	Unknown	-	-	---	TDB
MAR-03-2003	-35.54	-	GMD2	Unknown	-	-	---	TDB
APR-07-2003	-35.54	-	GMD2	Unknown	-	-	---	TDB
MAY-05-2003	-35.56	-	GMD2	Unknown	-	-	---	TDB
JUN-02-2003	-35.5	-	GMD2	Unknown	-	-	---	TDB
JUL-07-2003	-35.68	-	GMD2	Unknown	-	-	---	TDB
AUG-04-2003	-35.95	-	GMD2	Unknown	-	-	---	TDB
SEP-02-2003	-36.02	-	GMD2	Unknown	-	-	---	TDB
OCT-06-2003	-36.01	-	GMD2	Unknown	-	-	---	TDB
NOV-03-2003	-35.99	-	GMD2	Unknown	-	-	---	TDB
DEC-01-2003	-36	-	GMD2	Unknown	-	-	---	TDB
JAN-05-2004	-36	-	GMD2	Unknown	-	-	---	TDB
FEB-02-2004	-36	-	GMD2	Unknown	-	-	---	TDB
MAR-01-2004	-36	-	GMD2	Unknown	-	-	---	TDB
APR-05-2004	-35.98	-	GMD2	Unknown	-	-	---	TDB
MAY-03-2004	-36.01	-	GMD2	Unknown	-	-	---	TDB
JUN-07-2004	-36.06	-	GMD2	Unknown	-	-	---	TDB
JUL-06-2004	-36.12	-	GMD2	Unknown	-	-	---	TDB
AUG-02-2004	-36.14	-	GMD2	Unknown	-	-	---	TDB
SEP-07-2004	-36.24	-	GMD2	Unknown	-	-	---	TDB
OCT-04-2004	-36.27	-	GMD2	Unknown	-	-	---	TDB

NOV-01-2004	-36.23	-	GMD2	Unknown	-	-	---	TDB
DEC-06-2004	-36.21	-	GMD2	Unknown	-	-	---	TDB
JAN-03-2005	-36.21	-	GMD2	Unknown	-	-	---	TDB
APR-04-2005	-36.12	-	GMD2	Unknown	-	-	---	TDB
JUL-05-2005	-36.11	-	GMD2	Unknown	-	-	---	TDB
OCT-03-2005	-36.17	-	GMD2	Unknown	-	-	---	DDR
JAN-03-2006	-35.97	-	GMD2	Unknown	-	-	---	DDR
APR-03-2006	-35.98	-	GMD2	Unknown	-	-	---	DDR
JUL-03-2006	-36.23	-	GMD2	Unknown	-	-	---	DDR
OCT-02-2006	-36.79	-	GMD2	Unknown	-	-	---	DDR
JAN-02-2007	-36.86	-	GMD2	Unknown	-	-	---	DDR
APR-02-2007	-36.84	-	GMD2	Unknown	-	-	---	DDR
JUL-02-2007	-36.31	-	GMD2	Unknown	-	-	---	DDR
OCT-01-2007	-36.71	-	GMD2	Unknown	-	-	---	DDR
JAN-07-2008	-36.6	-	GMD2	Unknown	-	-	---	DDR
JAN-05-2009	-36.38	-	GMD2	Unknown	-	-	---	DDR
JAN-04-2010	-35.93	-	GMD2	Unknown	-	-	---	DDR
JAN-03-2011	-35.66	-	GMD2	Unknown	-	-	---	DDR
JAN-03-2012	-36.84	-	GMD2	Unknown	-	-	---	DDR
JAN-07-2013	-37.93	-	GMD2	Unknown	-	-	---	DDR
OCT-21-2013	-37.83	-	GMD2	Unknown	-	-	---	DDR
JAN-10-2014	-37.64	-	GMD2	Unknown	-	-	---	DDR
APR-11-2014	-37.73	-	GMD2	Unknown	-	-	---	DDR
JUL-11-2014	-37.87	-	GMD2	Unknown	-	-	---	DDR
OCT-08-2014	-38.34	-	GMD2	Unknown	-	-	---	DDR
JAN-02-2015	-38.18	-	GMD2	Unknown	-	-	---	DDR
APR-03-2015	-38.23	-	GMD2	Unknown	-	-	---	DDR
JUL-08-2015	-38.33	-	GMD2	Unknown	-	-	---	DDR
OCT-08-2015	-38.58	-	GMD2	Unknown	-	-	---	DDR
JAN-11-2016	-38.55	-	GMD2	Unknown	-	-	---	DDR
APR-07-2016	-38.49	-	GMD2	Unknown	-	-	---	DDR
JUL-07-2016	-38.28	-	GMD2	Unknown	-	-	---	DDR
OCT-10-2016	-38.01	-	GMD2	Unknown	-	-	---	DDR
JAN-11-2017	-37.63	-	GMD2	Unknown	-	-	---	DDR
APR-07-2017	-37.44	-	GMD2	Unknown	-	-	---	DDR
JUL-05-2017	-37.51	S	GMD2	Unknown	-	-	---	DDR
OCT-18-2017	-37.95	-	GMD2	Unknown	-	-	---	DDR
JAN-16-2018	-37.73	-	GMD2	Unknown	-	-	---	DDR
APR-03-2018	-37.68	-	GMD2	Electronic-Tape	-	40.78	0.00	DDR
JUL-06-2018	-38.07	-	GMD2	Electronic-Tape	-	41.17	0.00	DDR
OCT-26-2018	-38.33	-	GMD2	Electronic-Tape	-	41.43	0.00	DDR
APR-03-2019	-37.87	-	GMD2	Electronic-Tape	-	40.97	0.00	DDR
JUL-05-2019	-37.17	-	GMD2	Electronic-Tape	-	40.27	0.00	DDR
OCT-09-2019	-37.23	-	GMD2	Electronic-Tape	-	40.33	0.00	DDR
JAN-16-2020	-36.92	-	GMD2	Electronic-Tape	-	40.02	0.00	DDR

From: Lanterman, Jeff [KDA]
Sent: Thu 4/9/2020 12:30 PM
To: Krueger, Richelle [KDA]; Neuhauser, Kris [KDA]
Cc: Conant, Cameron [KDA]
Subject: FW: Request for Recommendation New App, File No. 50,088
Attachments: 50088_Memo to File.doc, 50088 New App Approval Recommendation 1-29-20.pdf, 44768pumemexactolapneapp50088.doc

Afternoon all!

I recommend that this package of change and new app be approved. No concerns with it here. I have a message I need to call Orville Miller back on it. Hes getting antsy.

Thanks!

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Thursday, April 9, 2020 10:24 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Request for Recommendation New App, File No. 50,088

Jeff, this is the review for new application 50088. The new application will completely overlap 44768 in p/d and p/u. The p/u on 44768 is also being changed to add about 10 acres to reflect the acreage under 50088. 50088 is requesting additional quantity to cover the increase in acres and the total Q will be limited to 102.2 AF (21 AF additional) and 400 GPM (100 gpm additional).

This was scanned as a black blob, so I can't really see the map and can't see nearby wells and such. But Kris sent 14 letters out, we received a response from a nearby domestic well with concerns about their domestic well b/c irrigation wells run 24 hours a day and are wasteful but provided no information about any issues they have experienced or any information about their well. Many of the area domestic wells appear to be completed to around 70' deep, this irrigation well is completed to shale at 135' with a SWL of ~35' providing about 100' of saturated thickness. As Kris noted in the memo, this file has the required spacing to all nearby wells, in fact, spacing to domestic and irrigation wells is more than twice the required distance of 660' and 1320'.

<http://www.kgs.ku.edu/Hydro/WWC5/W/23S7/453215.pdf> (completed irrigation log for 44768 & 50008)

http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=380010098020801 (98' deep well about ½ mile east of File 50,008)

GMD#2 has recommended approval of this packet, so SY is good, spacing is met to all nearby wells, and water level in the area remains pretty stable the past 17 years with a total decline of about 1' to date. A 2.5' drop occurred during the 2011 drought but we have recovered 1.5' of that back. I would have expected the water level to have risen back to the 2010 levels at this time, but still, a 1 foot decline over 17 years is pretty reasonable especially given the saturated thickness at this location.

I think this new application for additional rate (+100gpm) and quantity (+21AF) can be recommended for approval. I also think the p/u change under 44768 should be recommended for approval as well to make the complete overlap. Please pass on to Kris and Richelle if you agree.

Cameron

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Thursday, March 12, 2020 11:33 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>

Cc: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>

Subject: RE: Request for Recommendation New App, File No. 50,088

Jeff and Cameron,

Here is my memo for New App 50,088, to go along with Richelle's change for 44,768. Let me know if you need anything else.

Thanks,

Kris Neuhauser

Environmental Scientist

Kansas Department of Agriculture, Division of Water Resources

Address: 1320 Research Park Drive, Manhattan, KS 66502

Phone: (785)564-6643

Website: <http://agriculture.ks.gov/divisions-programs/dwr>

From: Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>

Sent: Monday, February 3, 2020 1:44 PM

To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>

Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>

Subject: Request for Recommendation Change in PU File No. 44768 Salt Creek Land LLC

Hi Jeff,

Attached is a draft memo for the referenced pu change, which overlaps new application File No. 50,088 Kris is working.

Do you recommend approval of the change in pu for File No. 44768?

Thanks,

Richelle

Richelle Krueger, Environmental Scientist

Kansas Department of Agriculture

Water Appropriation Program

(785) 564-6635

Richelle.Krueger@ks.gov (please note e-mail address change)

www.ksda.gov/dwr

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

SALT CREEK LAND LLC
6400 W ILLINOIS AVE
HUTCHINSON, KS 67501-9137

RE: Appropriation of Water, File No. 50,088

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 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: kjn
Enclosure(s)

pc: Stafford Field Office
Equus Beds GMD No. 2
Omar L & Elsie Miller Trust

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, which is currently \$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 to 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.

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 17th day of May, 2020, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,088, dated May 29, 2020 was mailed postage prepaid, first class, US mail to the following:

SALT CREEK LAND LLC
6400 W ILLINOIS AVE
HUTCHINSON, KS 67501-9137

With photocopies to:

OMAR L & ELSIE MILLER TRUST
1208 MAPLEWOOD RD
HARRISON, AR 72601

Stafford Field Office

GMD 2


Katie Anderson

Division of Water Resources