

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

1. File Number: <p style="text-align: center;">50,380</p>	2. Status Change Date: <p style="text-align: center;">4/7/2021</p>	3. Field Office: <p style="text-align: center;">02</p>	4. GMD: <p style="text-align: center;">05</p>
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5. Status: <input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied by DWR/GMD	<input type="checkbox"/> Dismiss by Request/Failure to Return
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6. Enclosures: <input type="checkbox"/> Check Valve	<input type="checkbox"/> N of C Form	<input type="checkbox"/> Water Tube	<input type="checkbox"/> Driller Copy	<input type="checkbox"/> Meter
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7a. Applicant(s) New to system <input type="checkbox"/> Person ID 88022 Add Seq# _____ CRANE LAND LP 861 20TH AVE LARNED KS 67550-5202	7c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
7b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ 7a	7d. Misc. New to system <input type="checkbox"/> Person ID _____ Add Seq# _____

8. WUR Correspondent New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No 7a	9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water <input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____
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10. Completion Date: 12/31/2022	11. Perfection Date: 12/31/2026	12. Exp Date: _____
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13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____
14. Water Level Measuring Device? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Date to Comply: 12/31/2022 Date WLMD Installed: _____

Date Prepared: 3/16/21 By: JNE Date Entered: 4/12/2021 By: LMoody
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File No. **50,380** 15. Formation Code: **180** Drainage Basin: **ARKANSAS RIVER** County: **SF** Special Use: **041** Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
MOD			88022	NC NW	19	21S	14W	5	3960'	3960'	710 GPM	187 AF	710 GPM	187 AF	

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 **12/31/2022** Date Acceptable Meter Installed _____

21. Place of Use																		Total	Owner	Chg? NO	Overlap Files					
MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼						
								NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼			
MOD			69891	19	21S	14W	4					32.5	32.5	32.5	32.5									130.0	7A	NONE

Comments: **DISMISSING FILE NO. 12,313** 4/1/2021
KAB **New Special Use Area - Rattlesnake offset, KAR 5-25-22**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: File

DATE: March 9,2021

FROM: Jessica Engelbrecht

RE: Application, File No. 50,380

Alan Crane has filled the referenced application to appropriate groundwater for irrigation use under the offset reg K.A.R. 5-25-22. The applicant is requesting one (1) well, a quantity of 187 acre-feet, and a diversion rate of 710 gallons per minute. The proposed well is to be located Near Center of the Northwest Quarter (NC, NW¼) in Section 19, more particularly described as being near a point 3,960 feet North, and 3,960 feet West of the Southeast corner of said section, in Township 21, South, Range 14 West, in Stafford County, within the Arkansas River drainage basin. The applicant will be dismissing File No. 12,313 upon the approval of Application, File No. 50, 380. The proposed point of diversion is located within the boundaries of the Big Bend Groundwater Management District No. 5. There are no other water rights overlapping the proposed point of diversion or place of use. The proposed place of use is owned by Alan Crane. The applicant has signed the application form stating that they have legal access to the point of diversion.

The applicant did not identify any domestic wells and identified two non-domestic well within one-half mile of the proposed well. Nearby notification letters were sent out on July 29, 2020. No contact of any kind was received. According to the WRIS database, the nearest non-domestic point of diversion, is over 2,500 feet away (File No. 26,157). Based on the site map, the closest possible domestic well is over 3,000 feet away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-25-2(a) for wells located within Big Bend Groundwater Management District No. 5, the minimum well spacing should be 1,320 feet to all other non-domestic wells and 660 feet to domestic wells.

A driller's test log shows top soil from 0 to 3 feet, soft sandy brown clay from 3 to 15 feet, soft sandy brown clay with fine to small gravel from 15 to 20 feet, gravel fine to small clean from 20 to 40 feet, sand and gravel medium clean coarse from 40 to 54 feet, gray clay from 54 to 58 feet, gravel fine to small clean from 58 to 75 feet, green, yellowish clay from 75 to 83 feet, gravel fine to small clean loose from 83, 80 feet, sand and gravel medium clean coarse from 90 to 100 feet, gravel fine to small clean from 100 to 110 feet, fine to small gravel with gray clay from 110 to 120 feet, sand and gravel medium clean coarse from 120 to 130 feet, gravel small medium coarse with gray clay from 130 to 140 feet, gravel medium coarse from 140 to 156 feet, tan clay from 156 to 160 feet, sand and gravel medium clean coarse from 160 to 175 feet, and gray shale from 175 to 180 feet.

The requested quantity of 187 acre-feet is to irrigate 130 acres identified in the application. This comes out to 1.4 acre-feet per acres which is the maximum reasonable quantity available for Stafford County, Kansas.

A copy of the application was submitted to Big Bend Groundwater Management District No. 5 on August 28, 2020. Groundwater Management District No. 5 recommended approval of the application in a letter, received via email, on February 19, 2021. In the letter, Groundwater Management District No. 5 recommended approval of the application and recommended a waiver of K.A.R. 5-25-22(a)(1) and K.A.R. 5-25-22(a)(4). Groundwater Management District No. 5 sites minimal aquifer impact at the proposed location and the retiring of a more senior water right as offset as justification for the waivers.

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. A water level measurement tube is required because this is a proposed new well exceeding 100 gpm.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on March 11, 2021. Based on the above discussion, well spacing and safe yield criteria are met, 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.

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

WAIVER OF REGULATION K.A.R. 5-25-22(a)(1)

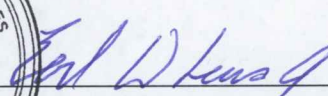
Date: April 7, 2021

RE: Appropriation of Water, File No. 50,380

1. That K.A.R. 5-25-22 provides an opportunity improve streamflow at the zenith gage on Rattlesnake Creek in Groundwater Management District No. 5 by allowing exiting water rights to be used as an offset for a new appropriation elsewhere in the District if certain criteria are met.
2. That K.A.R. 5-25-22(a)(1) states: The source of water supply for the currently authorized well is located within zone D of the response map.
3. That the applicant requested consideration of Water Right, File No. 12,313 as a potential offset, however, Water Right, File No. 12,313 is located in zone A with a 10.44 percent stream response.
4. That the hydrologic analysis conducted on behalf of the Board of Directors for GMD 5 showed minimal cumulative aquifer impact at the proposed location (-0.3 feet). It also indicated that the cumulative impact to the Arkansas River is a depletion of 45 acre-feet per year versus a benefit of 15 acre-feet per year.
5. That based on the analysis and the fact the applicant is willing to retire a very senior Water Right, File No. 12,313 to be used as an offset, the Board recommended waivers of K.A.R. 5-25-22(a)(1) and K.A.R. 5-25-22(a)(4), along with the approval of File No. 50,380.
6. That Application, File No. 50,380 should be approved with a waiver of K.A.R. 5-25-22(a)(1).
7. That a waiver of 5-25-22(a)(1) will not prejudicially nor unreasonably affect the public interest, and it will not impair an existing water right.

Comments:





Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

WAIVER OF REGULATION K.A.R. 5-25-22(a)(4)

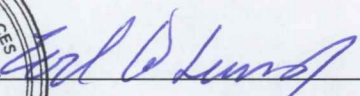
Date: April 7, 2021

RE: Appropriation of Water, File No. 50,380

1. That K.A.R. 5-25-22 provides an opportunity improve streamflow at the zenith gage on Rattlesnake Creek in Groundwater Management District No. 5 by allowing exiting water rights to be used as an offset for a new appropriation elsewhere in the District if certain criteria are met.
2. That K.A.R. 5-25-22(a)(1) states: The new location will reduce the impact at the zenith gage by 30 percent or more compared to the current location of the well as determined by the response map. The new location is in an area with less than 40 percent impact at the zenith gage as determined by the response map.
3. That the applicant requested consideration of Water Right, File No. 12,313 as a potential offset, however, since Water Right, File No. 12,313 is located in zone A it has a steam response of only 10.44 percent so there is no way the new location could reduce the impact at the zenith gage but 30 percent.
4. That the hydrologic analysis conducted on behalf of the Board of Directors for GMD 5 showed minimal cumulative aquifer impact at the proposed location (-0.3 feet). It also indicated that the cumulative impact to the Arkansas River is a depletion of 45 acre-feet per year versus a benefit of 15 acre-feet per year.
5. That based on the analysis and the fact the applicant is willing to retire a very senior Water Right, File No. 12,313 to be used as an offset, the Board recommended waivers of K.A.R. 5-25-22(a)(1) and K.A.R. 5-25-22(a)(4), along with the approval of File No. 50,380.
6. That Application, File No. 50,380 should be approved with a waiver of K.A.R. 5-25-22(a)(4).
7. That a waiver of 5-25-22(a)(4) will not prejudicially nor unreasonably affect the public interest, and it will not impair an existing water right.

Comments:




Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

APPROVAL OF APPLICATION and PERMIT TO PROCEED (This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,380** of the applicant

**CRANE LAND LP
861 20TH AVE
LARNED, KS 67550-5202**

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 **March 30, 2020**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				TOTAL
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
19	21S	14W					32.5	32.5	32.5	32.5									130

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well, which is to located in the near center of the Northwest Quarter (NW¹/₄) of Section 19, more particularly described as being near a point 3,960 feet North and 3,960 feet West of the Southeast corner of said section, in Township 21 South, Range 14 West, Stafford County, 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 **710 gallons per minute (1.58 c.f.s.)** and to a quantity not to exceed **187 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, 2022** 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, 2026** 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 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 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.
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 *7th* day of *April*, 2021, in Manhattan, Riley County, Kansas.



Earl D Lewis Jr

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 *7* day of *April*, 2021, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
Notary Public

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: 50380

FO: 2 GMD: 5

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	4/8/2021 4/7/2021	166 NEW	GMD 5	Rattlesnake offset	Location in Zone D
Rule Number	Date Granted	Date Denied	Justification:	Offsetting WR is not located in Zone D but has 10.44% stream response, and modeling shows the new location benefits Rattlesnake.	
K.A.R. 5-25-22(a)(1)	4/7/2021				

WAIVER RULE (complete only if a new rule needs to be created):

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
166	GMD5	RATTLESNAKE OFFSET	LOCATION IN ZONE D	K.A.R. 5-25-22(a)(1)		

Date Prepared KAB By 4/8/2021

Date Entered 4/20/2021
LMoody By _____

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: 50380

FO: 2 GMD: 5

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	4/8/2021 4/7/2021	165 NEW	GMD 5	Rattlesnake offset	Impact reduced by >30%
Rule Number	Date Granted	Date Denied	Justification:	Offsetting WR only has a 10.44% stream response, but modeling shows the new location still benefits Rattlesnake.	
K.A.R. 5-25-22(a)(4)	4/7/2021				

WAIVER RULE (complete only if a new rule needs to be created):

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
165	GMD5	RATTLESNAKE OFFSET	IMPACT REDUCED >30%	K.A.R. 5-25-22(a)(4)		

Date Prepared KAB By 4/8/2021

Date Entered 4/20/2021
LMoody By _____

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER _____

APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

LANDOWNER PERSON ID & SEQ #	PUSE ID
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

WATER USE CORRESPONDENT PERSON ID & SEQ #

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

CRANE LAND LP
861 20TH AVE
LARNED, KS 67550-5202RE:

April 13, 2021

Application, File No. 50,380

Dear Water User:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. A water meter is required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Stafford Field Office
GMD#5

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

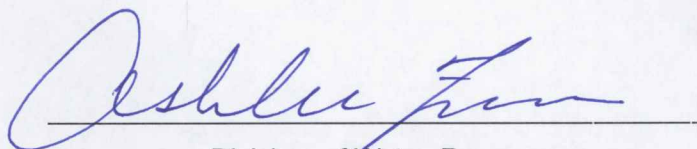
On this 13 day of April, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,380, dated 7 April, 2021, was mailed postage prepaid, first class, US mail to the following:

CRANE LAND LP
861 20TH AVE
LARNED, KS 67550-5202

With photocopies to:

Stafford Field Office

Big Bend GMD #5



Division of Water Resources