

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

1. File Number: <p style="text-align: center; font-size: 1.2em;"><b>50,516</b></p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;"><b>4/7/2022</b></p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;"><b>02</b></p>	4. GMD:
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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 **65911**  
New to system                       Add Seq# \_\_\_\_\_

**CHRIS BOYD**  
**12001 NW SPRING CREEK RD**  
**MEDICINE LODGE KS 67104**

7b. Landowner(s)                      Person ID **65912**  
New to system                       Add Seq# \_\_\_\_\_

**CALVIN E & CARLA J BOYD REV TRUST**  
**12001 NW SPRING CREEK RD**  
**MEDICINE LODGE KS 67104**

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

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

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

~~7A~~  
**7b**

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: ~~12/31/2022~~ <sup>23</sup>                      11. Perfection Date: ~~12/31/2026~~ <sup>27</sup>                      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: 12/31/2026    Date WLMD Installed: \_\_\_\_\_

Date Prepared: **01/20/22**    By: **JNE**

Date Entered:    4/11/2022    By: **LMoody**

File No. **50,516**      15. Formation Code: **100**      Drainage Basin: **Medicine Lodge River**      County: **BA**      Special Use:      Stream:

16. Points of Diversion

MOD DEL ENT	PDIV Qualifier	S	T	R	ID	'N	'W		
<b>CHK</b>	<b>75052</b>	<b>NW</b>	<b>NW</b>	<b>NE</b>	<b>13</b>	<b>30S</b>	<b>12W 2</b>	<b>5077</b>	<b>2601</b>

17. Rate and Quantity

Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>800</b>	<b>55.39</b>	<b>800</b>	<b>55.39</b>	<b>46316</b>
	<b>MOD</b>		<b>MOD</b>	

18. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

19. Limitation: \_\_\_\_\_ - af/yr at ~~800~~ **805** gpm ( ~~1.79~~ **1.78** cfs) when combined with file number(s) **46316**  
 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

MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
						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>57403</b>	<b>13</b>	<b>30</b>	<b>12W</b>	<b>2</b>	<b>32.5</b>	<b>32.5</b>	<b>32.5</b>	<b>32.5</b>											<del>130.0</del>	<del>7A</del> <b>7B</b>	<b>NO</b>	<b>46316</b>		
<del>CHK</del>	<del>72052</del>	<del>13</del>	<del>30</del>	<del>12W</del>	<del>2</del>							<b>30.0</b>								<b>60.0</b>	<b>7B</b>	<b>NO</b>	<b>46316</b>		
<b>MOD</b>	<b>70258</b>	<b>12</b>																							

Comments: **PD Overlap with 46316. PU Change on 46316 will result in an exact PU overlap of the two files.**

**1/21/2022**  
**KJN**

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

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

**TO:** Files

**DATE:** December 23, 2021

**FROM:** Jessica Engelbrecht

**RE:** Application File No. 50,516  
Water Right, File No. 46,316

**55.39**

Chris Boyd has filed the referenced application File No. 50,516 to appropriate groundwater for irrigation use, requesting one (1) well a quantity of ~~91~~ acre-feet, and a diversion rate of 800 gallons per minute. The proposed well is to be located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW¼ NW¼ NE¼) of Section 13, more particularly described as a point near 5,077 feet North and 2,601 feet West of the Southeast Quarter of said section, in township 30 South, Range 12 West, Barber County, within the Medicine Lodge River drainage basin. Application File No. 50,516 will be a PD overlap with Water Right, File No. 46,316. The applicant submitted an application to change the Place of Use for Water Right, File No. 46,316. This will create an exact PU overlap of Application File No. 50,516 and Water Right, File No. 46,316.

File No. 46,316 appears to not be abandoned as per K.S.A. 82a-718 and in compliance with K.S.A. 82a-732. As required by K.S.A. 82a-1906, a public notice was published, and letters were sent to nearby well owners. No written comments were received.

Water Right, File No. 46,316, is authorized 805 gallons per minute to divert 182 acre-feet for the irrigation of 130 acres <sup>from</sup> one (1) well in the Medicine Lodge River Basin. The well is described as being located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW¼ NW¼ NE¼) of Section 13, approximately 5,077 feet North and 2,601 feet West of the Southeast corner of Section 13, Township 30, Range 12 West, Barber County, Kansas.

The new application, File No. 50,516 requested quantity of 91 acre-feet to be diverted at a rate of 800, identified in the application and overlapping with that proposed under File No. 46,316. This is more than the maximum allowable of 1.4 acre-feet per acre for Barber County, Kansas. The safe yield showed only 55.39 acre-feet left for appropriation. The applicant gave permission to change the amount requested on the application from 91 acre-feet to 55.39 acre-feet. The new application's request for 55.39 acre-feet and File No. 46,316 authorized quantity of 182 acre-feet, for a total of ~~237.5~~<sup>39</sup> acre-feet or 1.25 acre-feet/acre which is more than the minimum reasonable quantity in Barber County. The application will be limited to 805 gpm when combined with Water Right, File No. 46,316. The new permit complies with K.A.R. 5-3-24, Reasonable quantity for irrigation use in Barber County.

The proposed point of point of diversion for File No. 50,516 was drilled under File No. 46,316 on June 2, 2006. The total well depth is 168 feet. The well's static water level was 70 feet below land surface. Saturated thickness according to the well log is 103 feet. The source of supply is Quaternary sand and gravel beds. The well is located in DUA Unit 21. Regulations for this unit designate 3,135 acre-feet of water per year is available in this area. Upon approval of application File No. 50,516, there will be ~~1,095~~ acre-feet available for appropriation. **in DUA 21.**

**1,130.61**

The request to add additional acres of new irrigated land appears to comply with Part (b)(6) of K.A.R. 5-5-11, Applications for change in place of use for irrigation purposes, with the determination that new quantity will be available and permitted. The change in the irrigated place of use will also update the irrigated acres to overlap with the permit.

Nearby notification letters were mailed on June 23, 2021. No contact of any kind was received. According to the WRIS database, the nearest non-domestic point of diversion (Water Right, File No. 50,145) is located 3745 feet away with common ownership to File Nos. 46,316 and 50,516. The nearest possible domestic well is approximately 5,175 feet away. The proposed point of diversion for the new application meets minimum well spacing to all existing wells. The new application will comply well spacing as per K.A.R. 5-4-4.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced applications on January 6, 2022.

Based on the above discussion, that the permit will be issued, the change should not significantly increase consumptive use, and impairment to existing water rights is unlikely, it is recommended that the new permit be issued and the application for change be approved.

1/21/2022  
KJN

## Engelbrecht, Jessica [KDA]

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**From:** Lanterman, Jeff [KDA]  
**Sent:** Thursday, January 6, 2022 2:45 PM  
**To:** Engelbrecht, Jessica [KDA]  
**Subject:** RE: 50516/46316

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Jessica

Great job on this one. I thought I was going to get you on MRQ but you reduced the quantity and acres so that blew that theory. Dang it lol.

I would have almost cut the circle based on terrace deposits and the alluvial map. But in order to stay consistent with the past safe yield and how we have worked with him reducing the quantity and place of use I think we go ahead and approve this new application and the changes to 46316. Also the well log depth to water and lithology I would say that they are hydraulically connected with the alluvial valley to the west.

Approve it.  
Thanks  
Jeff

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**From:** Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>  
**Sent:** Thursday, December 23, 2021 1:05 PM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Subject:** 50516/46316  
**Importance:** High

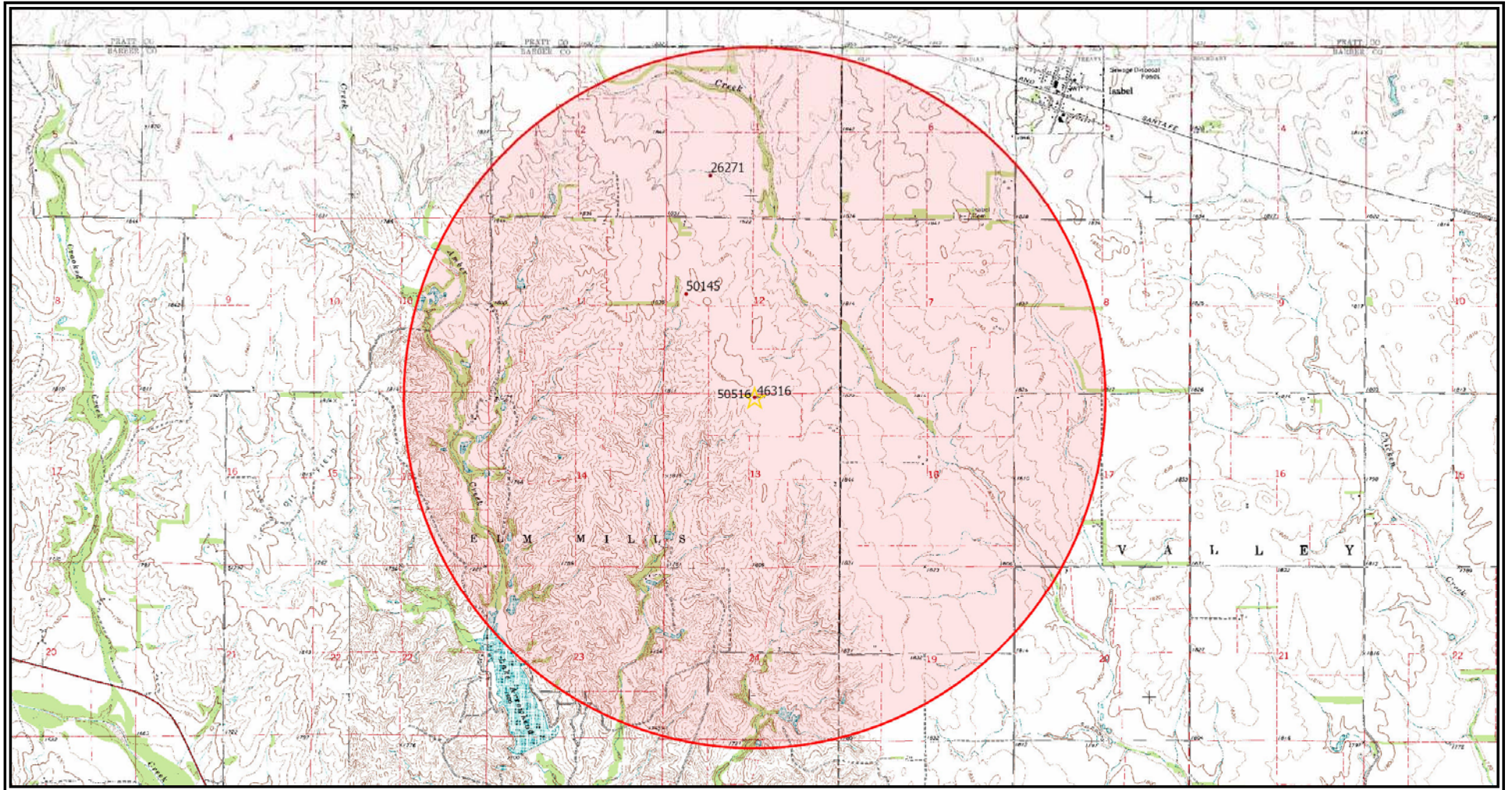
Jeff,  
I've attached the memo and corresponding documents for New Application 50516 with a P/U Change on the senior file 46,316.  
This is my first new app/change so I'm sure there's something in there I need to correct lol

Jessica Engelbrecht, Environmental Scientist  
KDA Division of Water Resources  
Stafford Field Office  
(620) 234-5311 Office  
(620) 234-6900 Fax  
[Jessica.engelbrecht@ks.gov](mailto:Jessica.engelbrecht@ks.gov)  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)





**Safe Yield Report Sheet**  
**Water Right- A5051600**  
**Point of Diversion in 13-30S-12W**  
**Footages from SE corner- 5,077 feet North 2,601 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 603.19 AF – 547.8 AF = 55.39

Total prior appropriations in the circle is 638.80 AF – 91.0 AF = 547.8 AF

Total quantity of water available for appropriation is 0.00 AF.

## DOES NOT MEET SAFE YIELD

\*With only 55.39 AF left for appropriation, the applicant has agreed to reduce the amount requested from 91.0 AF to 55.39 AF.

## Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 1.8 inches.

The percent of recharge available for appropriation is 50%.

Authorized Quantity values are as of 23-AUG-2021 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 4 water rights and 3 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 26271 00	IRR	NK	G			NC	SW	1330	3960	01	30	12W	1	WR	195.00	195.00	130.00	130.00
A 46316 00	IRR	NK	G		NW	NW	NE	5077	2601	13	30	12W	2	WR	182.00	182.00	130.00	130.00
A 50145 00	IRR	GY	G		SW	SW	NW	2980	4682	12	30	12W	1	WR	170.80	170.80	122.00	122.00
<del>A 50516 00</del>	<del>IRR</del>	<del>AY</del>	<del>G</del>		<del>NW</del>	<del>NW</del>	<del>NE</del>	<del>5077</del>	<del>2601</del>	<del>13</del>	<del>30</del>	<del>12W</del>	<del>2</del>	<del>WR</del>	<del>91.00</del>	<del>91.00</del>	<del>195.00</del>	<del>65.00</del>

1/24/2022  
KJN

**From:** Munson, John [KDA]  
**Sent:** Fri 1/21/2022 11:47 AM  
**To:** Neuhauser, Kris [KDA]  
**Subject:** RE: new app 50516 DUA

Hi Kris,

Yes, File No. 50,516 is in DUA 21 and there is 1,186 acre-feet available in the unit area.

Thanks for letting me know!  
John

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**From:** Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>  
**Sent:** Friday, January 21, 2022 10:24 AM  
**To:** Munson, John [KDA] <John.Munson@ks.gov>  
**Subject:** new app 50516 DUA

Morning John,

Jessica down in Stafford worked up a new app/change app package, including 50516 – Medicine Lodge Basin. – overlaps PD/PU with existing WR 46316. Doing a final review of it this morning. Her memo notes that it's in DUA 21. Wanted to double check with you that this is correct and that it's approvable.

Thanks!

Kris



# 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. 50,516** of the applicant

**CHRIS BOYD**  
**12001 NW SPRING CREEK RD**  
**MEDICINE LODGE, KS 67104**

for a term 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 subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **February 1, 2021**.
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 ¼				NW ¼				SW ¼				SE ¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
<b>13 30S 12W</b>	<b>32.5</b>	<b>32.5</b>	<b>32.5</b>	<b>32.5</b>													<b>130</b>
<b>12 30S 12W</b>									<b>30</b>				<b>30</b>				<b>60</b>

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 Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW¼ NW¼ NE¼) of Section 13, more particularly described as being near a point 5,077 feet North and 2,601 feet West of the Southeast corner of said section, in Township 30 South, Range 12 West, Barber County, Kansas.
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 **55.39 acre-feet** of water for any calendar year for irrigation use on the land described herein.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2023** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2027** 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 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. 82a703c for the source of supply to which this water right applies.
18. That the Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the approved rate of diversion and quantity authorized to be perfected, and such changes in other terms, conditions, and limitations set forth in this approval and permit to proceed as may be deemed to be in the public interest.







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

April 13, 2022

CHRIS BOYD  
12001 NW SPRING CREEK RD  
MEDICINE LODGE KS 67104

RE: Term Permit, File No. 50,516

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 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.

Kristen A. Baum  
New Applications and Changes Supervisor  
Division of Water Resources

KAB:JE  
Enclosure(s)  
pc: Stafford Field Office



### RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer, or request administrative review by the Secretary of Agriculture. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Division, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

### CERTIFICATE OF SERVICE

On this 13 day of April,  
File No. 50,516, dated 5 April  
class, US mail to the following:

, 2022, I hereby certify that the foregoing Term Permit,  
, 2022, was mailed postage prepaid, first

CHRIS BOYD  
12001 NW SPRING CREEK RD  
MEDICINE LODGE KS 67104

With photocopies to:

Stafford Field Office

  
\_\_\_\_\_  
Staff