

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;">50,608</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;">8/3/2022</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">02</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

<p>7a. Applicant(s) Person ID 67876 New to system <input type="checkbox"/> Add Seq# _____</p> <p>DEREK MARTENEY 7545 CROOKED CREEK RD RILEY, KS 66531</p>	<p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>
<p>7b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>	<p>7d. Misc Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>

<p>8. WUR Correspondent Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No 7a</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="padding-left: 40px;"><input type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: 12/31/2023 11. Perfection Date: 12/31/2027 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: _____

Review 8/2/22 Date Prepared: **4/12/22** By: **BMM**
JDK Date Entered: 8/8/2022 By:

File No. **50608** 15. Formation Code: 540 Drainage Basin: Kansas River County: RL 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			88956	NE NE NE	3	9S	5E	1 2	4925	330	100	6.14	100	6.14	NA

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 **12/31/2023** 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				
CHK			70495	3	9S	5E	3	7																7	7a	N	NA

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: July 12, 2022

FROM: Brandon Milner

RE: Application, File No. 50,608

Derek Marteney. has filed the referenced application to appropriate 6.14 acre-feet of groundwater from a proposed well at the rate of 100 gallons per minute to irrigate 7 acres in Riley County. The proposed place of use is wholly owned by the applicant and he has provided a legal deed of the property. There are no overlapping files in point of diversion or place of use. The well is in the Northeast Quarter of Section 3, Township 9 South, Range 5 East, Riley County, within the Kansas River Drainage basin.

The requested quantity of water under the new application of 6.14 acre-feet for the irrigation of 7 acres of trees and shrubs, provides for 0.88 acre-feet per acre, which is less than the maximum allowable quantity for "normal" irrigation use in Riley County, of 1.1 acre-feet per acre, per K.A.R. 5-3-19 and K.A.R. 5-3-24. However, the applicant does feel that this amount is adequate for their nursery.

The applicant identified multiple nearby domestic well owners, and notification letters were sent out to all well owners on February 18, 2022. One letter of concern was received by the Manhattan Office on February 25, 2022. There was general concern for the domestic well water levels in the area possibly decreasing with the approval of this irrigation application. This is a newer area of development for water appropriation so there is not as much nearby well information in the area as more developed areas.

Well logs for this application and other nearby wells in the KGS WWC-5 database, show the only lithologic units encountered were alternating limestone and shale layers, with some interbedded clays. They indicate that the limestone bedrock is generally the source of water, by noting where water was encountered on the well log. KGS Bulletin No. 39, "The Geology of Riley and Geary Counties, Kansas" states that the Cottonwood limestone and the Fort Riley limestone are the chief aquifers throughout the two counties. *The bulletin notes that the limestone strata if unbroken and unweathered is virtually impermeable, but, as it is slightly soluble in ground water, solution channels develop along bedding and joint planes when the rock has been in contact with water for some time. Therefore, in the plateau-like uplands where limestone lies just below the surface soil mantle it can be expected to carry large quantities of water. The City of Riley obtains its water from a well that penetrates the Barneston limestone (Chase Group) at a depth of 128 feet. The well produces 25 to 45 gallons of water per minute through a 10-inch drill hole.*

Leonardville, in the western part of Riley County, obtains water for the municipal system from two wells, drilled into the Barneston limestone at depths of 157 and 160 feet. One of these wells produces as much as 89 gallons a minute. The two wells are said to have produced 23,874,800 gallons of water in one year. These city wells give evidence of the large supply of fresh water obtainable from limestone beds below extensive dip slopes, and the importance of this supply was noted by Haworth (1913, pp. 87-89), when he cited the many farm wells near Leonardville and in similar geological surroundings near Winfield, Cowley County, Kansas. In Riley and Geary counties, the Cottonwood limestone, Fort Riley limestone, and Florence limestone are the most important water-bearing limestones. Locally other limestone beds are aquifers.

In keeping with other senior files in this area, and based on local well logs, the area of consideration is the extent of the bedrock aquifer in the two-mile circle, which was determined to be 8,042 acres. Based on a potential recharge of 2.6 inches, with 75% available for appropriation, safe

yield was determined to be 1,306.9 acre-feet. Existing water rights within this area of consideration have appropriated 463.16 acre-feet, leaving 843.16 acre-feet available, and the application clearly meets safe yield criteria.

The nearest non domestic well is located roughly 1330' away while the nearest domestic well is located roughly 884' away. This application meets spacing according to K.A.R. 5-4-4.

The applicant has submitted a signed Minimum Desirable Streamflow form, which has been properly notarized. By completing this statement, the applicant affirms his/her knowledge that there could be times when the diversion of water may not be allowed under this permit.

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 July 12, 2022 e-mail, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced application. Based on the above discussion, approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced new application be approved.

Brandon Milner
Environmental Scientist
Manhattan Headquarters

From: Tietsort, Katie [KDA]
Sent: Tue 7/12/2022 3:03 PM
To: Milner, Brandon [KDA]
Subject: RE: Application no. 50,608 Memo

Hello,

Ah, and then there were three. Tree farms on this block. I am surmising, from the aerials, that this one probably already was existing and pumping to this project as well as the Prairiestone one I found? I wonder.

Anyway, the TFO is not opposed to approval to cover the project as it appears to meet all applicable rules and regulations.

Thanks for your work!

Katie Tietsort

Water Commissioner

Katie.Tietsort@ks.gov

Ph. 785-296-5733 Cell 785-213-9188

Kansas Department of Agriculture

Topeka Field Office

1131 SW Winding Rd, Suite 400

Topeka, KS 66615

From: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>

Sent: Tuesday, July 12, 2022 2:47 PM

To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>

Cc: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>

Subject: Application no. 50,608 Memo

Good afternoon everyone,

Attached is a memo for application no. 50,608 which is a close neighbor of 50,598 for developing tree farms in Riley County so this memo should look very similar to that of 50,598. There is no spacing issue with this one, however there was a letter of concern that mirrored what was seen in 50,598. Could you provide a recommendation on this one? Thanks!

Brandon Milner

Environmental Scientist

Water Appropriation Program

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. 50,608** of the applicant

DEREK MARTENEY
7545 CROOKED CREEK RD
RILEY, KS 66531

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 July 14, 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 $\frac{1}{4}$				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 $\frac{1}{4}$	
3	9S	5E	7																7

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well center located in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$) of Section 3, more particularly described as being near a point 4,925 feet North and 330 feet West of the Southeast corner of said section, in Township 9 South, Range 5 East, Riley 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 **100 gallons per minute** (0.22 c.f.s.) and to a quantity not to exceed **6.14 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, 2023**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$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 accompanied by the required statutory fee, which is currently \$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, 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 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 the well 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.

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

DEREK MARTENEY
7545 CROOKED CREEK RD
RILEY, KS 66531

August 16, 2022 RE: Appropriation of Water, File No.
50,608

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 Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

KAB:bmm
Enclosure(s)
pc: Topeka Field Office

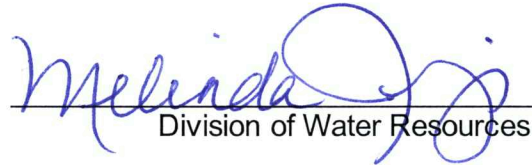
CERTIFICATE OF SERVICE

On this 16 day of August, 2022, I hereby certify that the foregoing Approval of Application, File No. 50,608, dated 3 August 2022 was mailed postage prepaid, first class, US mail to the following:

DEREK MARTENEY
7545 CROOKED CREEK RD
RILEY, KS 66531

With photocopies to:

Topeka Field Office


Division of Water Resources