

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

1. File Number: <p style="text-align: center;">49,969</p>	2. Status Change Date: <p style="text-align: center;">2/13/2023</p>	3. Field Office: <p style="text-align: center;">02</p>	4. GMD: <p style="text-align: center;">02</p>
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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 **65929**
 New to system Add Seq# _____

JOHN C VOGT
PO BOX
HESSTON, KS 67062

7b. Landowner(s) Person ID _____
 New to system Add Seq# _____

7a

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

7d. Misc. 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

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: 12/31/2024 11. Perfection Date: 12/31/2028 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: 12/31/2024 Date WLMD Installed: _____

Date Prepared: **2/7/23** By: **JNE**

Date Entered: 2/14/2023 By: LMoody

2/9/2023
KKopp

File No. **49,969** 15. Formation Code: **190** Drainage Basin: **LITTLE ARKANSAS RIVER** County: **HV** Special Use: Stream:

16. Points of Diversion

T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	
CHK	86535	NE	SW	30	22	1W	1	814'	1472'

17. Rate and Quantity

Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
800	202.8	800	202.8	NONE

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 12/31/2024 Date Acceptable Meter Installed _____

21. Place of Use

T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				LOT 4				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				
CHK	68699	30	22	1W	1													40.0	40.0	36.0	40.0	156.0	7a	NO	NONE

Comments: **PU OVERLAPS FILE NO. 49064 WHICH IS BEING DISMISSED**

Engelbrecht, Jessica [KDA]

From: Lanterman, Jeff [KDA]
Sent: Wednesday, January 18, 2023 2:31 PM
To: Engelbrecht, Jessica [KDA]
Subject: RE: 49969 Memo

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Jessica.

I think this one is good to go.

I thought it was funny that GMD 2 staff cut the ½ mile circle off at the district boundary. I wonder if we should notify them that we need a full ½ mile circle of surrounding wells for our public notices and we don't really care where their boundary ends. Are they doing that with others?

I attached the nearest COOP well measurements. It looks like the water levels are fairly steady with a slight declining trend in the well to the west which has been fairly stable since 2013.

I think we approve this one.

Jeff

From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Sent: Tuesday, November 8, 2022 11:47 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: 49969 Memo
Importance: High

Jeff,

Attached is 49,969

It's a straight forward single well application that was located in the moratorium.

The applicant is requesting 202.8 at a rate of 800 gpm from a single well to irrigate 156 acres

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



KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: February 6, 2023

FROM: Jessica Engelbrecht

RE: Application, File No. 49,969

John Voght has filed the referenced application to appropriate groundwater for irrigation use, with a requested quantity of 202.8 acre-feet per year at a rate of 800 gallons per minute from one (1) well located in the Northeast Quarter of the Southwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 30, more particularly described as being near a point 814 feet North and 1,472 feet West of the Southeast corner of said section, in Township 33 South, Range 1 West, Harvey County, within the drainage basin of the Little Arkansas River. The proposed point of diversion is located within the boundaries of the Equus Beds Groundwater Management District No. 2 (GMD 2). The entire proposed place of use is owned by the applicant. The applicant has signed the application form stating that he has legal access to the point of diversion.

The applicant identified two nearby domestic wells within one-half mile of the proposed well. Nearby notification letters were mailed on September 8, 2022. No contact of any kind was received. According to WRIS, the nearest non-domestic point of diversion (Water Appropriation, File No. 46,026) is 5,938 feet away. Based off of the site map, the nearest domestic well appears to be 701 feet away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-22-2, the minimum well spacing should be 1,320 feet to all other non-domestic wells and 660 feet to domestic wells.

A well log submitted with the application shows layers of sand and clay from 3 to 62 feet and grey shale from 62 to 63 feet. The well log shows a static water level of 18 feet giving a saturated thickness of 44 feet.

The requested quantity of water of 202.8 acre-feet is being proposed to irrigate 156 acres identified on the irrigation supplement sheet of the application. This complies with the maximum reasonable quantity of Harvey County of 1.3 acre-feet per acre.

A copy of the application was submitted to GMD 2 on September 23, 2022. A recommendation for approval was received on October 28, 2022, and states that the new 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.

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.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office.

In an email dated January 18, 2023, Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application. Based on the above discussion, well spacing and safe yield criteria are met, GMD has recommended it for approval, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affected 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

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. 49,969** of the applicant

JOHN VOGT
17005 S HAVEN RD
HAVEN KS 67543

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 **January 12, 2018**.
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	NE¼				NW¼				SW¼				SE¼				TOTAL				
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼					
30 – 22S – 1W																	40	40	36	40	156

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 Northeast Quarter of the Southwest Quarter of the Southeast Quarter (NE¼ SW¼ SE¼) of Section 30, more particularly described as being near a point 814 feet North and 1,472 feet West of the Southeast corner of said section, in Township 22 South, Range 1 West, Harvey County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the well drilled and constructed under the authority of this permit shall comply with the required minimum well spacing of 660 feet to any senior domestic well.
5. That the appropriation sought shall be limited to a maximum diversion rate not in excess of 800 gallons per minute and to a quantity not to exceed 202.8 acre-feet of water for any calendar year.

6. That installation of works for diversion of water shall be completed on or before **December 31, 2024**, 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.
7. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2028**, 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
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 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).
15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

- 16. 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.
- 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.
- 18. 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.

ORDERED this 13th day of February, 2023, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.

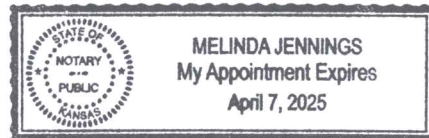
 Earl D. Lewis Jr., P.E.
 Chief Engineer
 Division of Water Resources
 Kansas Department of Agriculture

State of Kansas)
) SS
 County of Riley)

The foregoing instrument was acknowledged before me 13 day of February, 2023, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings

 Notary Public



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

February 16, 2023

JOHN VOGT
17005 S HAVEN RD
HAVEN KS 67543

RE: Application
File No. 49,969

Dear Mr. Vogt:

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.

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/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 Applications and Changes Supervisor
Division of Water Resources

KAB:jne
Enclosures

pc: Stafford Field Office
Equus Beds GMD No. 2

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 16 day of February, 2023, I hereby certify that the attached Approval of Application and Permit to Proceed, File No. 49,969, dated February 13, 2023, was mailed postage prepaid, first class, U.S. Mail to the following:

Original to:

JOHN VOGT
17005 S HAVEN RD
HAVEN KS 67543

Photocopy to:

Stafford Field Office

Groundwater Management District No. 2



DWR Staff