

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;">50,707</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;">2/6/2023</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">02</p>	4. GMD: <p style="text-align: center; font-size: 1.2em;">05</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

<p>7a. Applicant(s) Person ID 23897 New to system <input type="checkbox"/> Add Seq# _____</p> <p style="font-size: 1.2em; margin-top: 10px;">CARMEN SCHMITT PO BOX 47 GREAT BEND, KS 67530-0047</p>	<p>7c. Landowner(s) Person ID 60062 New to system <input type="checkbox"/> Add Seq# _____</p> <p style="font-size: 1.2em; margin-top: 10px; color: purple;">DEBBIE S SCHMITT PO BOX 47 GREAT BEND KS 67530</p>
<p>7b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p style="font-size: 1.2em; margin-top: 10px;">7a</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</p> <p style="font-size: 1.2em; margin-top: 10px;">7a</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" 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: 12/31/2024 11. Perfection Date: 12/31/2029 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: _____~~

1/27/2023 KKopp	Date Prepared: 1/18/22 By: JNE Date Entered: 2/7/2023 By: _____	
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File No. **50,707** 15. Formation Code: **180** Drainage Basin: **Arkansas River** County: **SF** Special Use: Stream:

16. Points of Diversion										
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
CHK	89241			NC N2	25	21S	14W	5	3840	2620

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
902	195	902 117	0	19938

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

19. Limitation: **195** af/yr at **902** --- gpm (**2.01** --- cfs) when combined with file number(s) **19938**
 Limitation: --- af/yr at --- gpm (--- cfs) when combined with file number(s) ---

20. Meter Required? Yes No To be installed by **12/31/2004** 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	36692	25	21S	14W	1			0.50	31.5	35.75 35.8	0.75													70.25	7a	NO	19938		
CHK	70695	25	21S	14W	4							31.5	0.50	0.50	35.5	1.75								69.75	7a 7c	NO	19938		

Comments: 1/27/2023
KKopp

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: File

DATE: January 18, 2023

FROM: Jessica Engelbrecht

RE: Application, File No. 50,707

Carmen Schmitt has filed the referenced application to appropriate groundwater for irrigation use, requesting one (1) well, a quantity of 195 acre-feet, and a diversion rate of 902 gallons per minute. The proposed well is an exact PD and PU overlap of Water Appropriation No. 19,938. The proposed well is to be located in the Near Center of the North Half (NC N½) of Section 25, more particularly described as being near a point 3,753 feet North and 2,792 feet West of the Southeast corner of said section, in Township 21 South, Range 14 West, Stafford County, within the Arkansas River drainage basin. The proposed point of diversion is located within the boundaries of Big Bend Groundwater Management District No. 5. The application is for a rate increase only and will be limited to 195 AF in combined with Water Appropriation No. 19,938.

The applicant identified no nearby wells. According to the WRIS database, the nearest non-domestic point of diversion (Water Right, File No. 24,860) is located approximately 3,057 feet away. Based on the site map there are no domestic wells in the area. 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 layers of clay and sand from 0 to 150 feet and gray, yellow shale from 150 to 160 feet. Static water level was listed at 20 feet which provides a saturated thickness of 130 feet.

The requested quantity of water, 15 acre-feet, is to irrigate the proposed 12 acres identified in the application. This comes out to 1.25 acre-feet per acre which is less than the maximum allowable of 1.4 acre-feet per acre for Stafford County, Kansas. The requested quantity will be limited when combined with 46,944 which has a authorized quantity of 15 AF.

A copy of the application was submitted to Big Bend Groundwater Management District No. 5 on September 26, 2022. GMD #5 recommended approval of the application in a letter, received via email, on October 5, 2022. In the letter they said the application complies with K.A.R. 5-25-20(b) and recommended approval of the application.

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 January 25, 2022 . 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.

Engelbrecht, Jessica [KDA]

From: Lanterman, Jeff [KDA]
Sent: Tuesday, January 24, 2023 4:43 PM
To: Engelbrecht, Jessica [KDA]
Cc: Conant, Cameron [KDA]
Subject: 50707 application review.

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Hey I took a look at this application. It is a rate only increase of 15% which is laid out in K.A.R. 5-4-5.

Its kind of funny that Orrin noted his board review regulation in his review instead of his rate increase regulation 5-25-12 which allows for a rate increase application to not be subject to his district closure. It references our rate regulation to which the application is subject 😊

Anyway it looks like your memo has some artifacts from a previous memo which I marked out by hand on the memo if you want to make those changes.

This application should be limited to 195 AF and 902 Gallons per minute when combined with 19938.

I recommend approval with those considerations.

Thanks
Jeff

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. 50,707** of the applicant

CARMEN SCHMITT
PO BOX 47
GREAT BEND KS 67530-0047

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 21, 2022**.
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	
25 - 21S - 14W	0.50	31.50	35.75	0.75	31.50	0.50	0.50	35.50	1.75						1.75		140.00

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located near the center of the North Half (N½) of Section 25, more particularly described as being near a point 3,840 feet North and 2,620 feet West of the Southeast corner of said section, in Township 21 South, Range 14 West, Stafford County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **902 gallons per minute (2.01 c.f.s.)** and to a quantity not to exceed **195 acre-feet** of water for any calendar year.
5. That the quantity of water and rate of diversion approved under this permit are further limited to the quantity and rate which combined with **Water Right, File No. 19,938**, will provide a total not to exceed **195 acre-feet** of water per calendar year to be diverted at a maximum diversion rate not in excess of **902 gallons per minute (2.01 c.f.s.)** for irrigation on the land described herein.

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, 2029**, 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 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 an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-01-4 through 5-1-12
14. 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.
15. 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.

- 16. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
- 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 *6th* day of *February*, 2023, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.

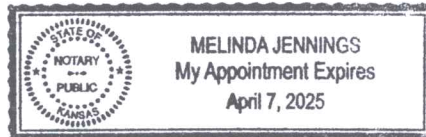
 Earl D. Lewis Jr., P.E.
 Chief Engineer
 Division of Water Resources
 Kansas Department of Agriculture

State of Kansas)
) SS
 County of Riley)

The foregoing instrument was acknowledged before me *6* 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



Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

February 7, 2023

CARMEN SCHMITT
PO BOX 47
GREAT BEND KS 67530-0047

RE: Appropriation of Water
File No. 50,707

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.

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.

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.

Also included is an informational sheet which sets forth the procedure to obtain a Certificate of Appropriation that will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.govdwr. 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,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive, flowing style.

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

KAB:jne
Enclosure(s)

pc: Stafford Field Office
Big Bend GMD No. 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 7 day of February, 2023, I hereby certify that the attached Approval of Application and Permit to Proceed, File No. 50,707, dated February 6, 2023, 2023, was mailed postage prepaid, first class, U.S. Mail to the following:

Original to:

CARMEN SCHMITT
PO BOX 47
GREAT BEND KS 67530-0047

Photocopy to:

DWR Stafford Field Office

Big Bend GMD No. 5



DWR Staff