



File No. **44,507**      13. County: **SN-Shawnee** Basin: **8-Kansas River** Stream:  
 Structures File No:      Aquifer Code: **113 Main stem alluvium**      Special Use Area:

14. Points of Diversion, Rates & Quantities

PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Qty		Rate		Storage Qty		Storage Rate		Overlaps
									Auth	Add	Auth	Add	Auth	Add	Auth/Add		
<b>NO CHANGE</b>																	

15. Limitations    Type:            Quantity:            Rate:            combined with file no(s):  
                           Type:            Quantity:            Rate:            combined with file no(s):

16. Metering     Metering Required     Anti-Reverse Required     Seal Required    Compliance Date: **12/31/2025**

17. Place of Use

PDIV	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
<b>MOD 53921</b>	<b>31</b>	<b>10S</b>	<b>13E</b>	<b>5</b>	<b>13.5</b>			<b>35</b>										<b>Lot 1 3</b>			<b>51.5</b>	<b>5a</b>	<input checked="" type="checkbox"/>	<b>*</b>
<b>MOD 53922</b>	<b>32</b>	<b>10S</b>	<b>13E</b>	<b>3</b>					<b>9.5</b>	<b>27</b>								<b>Lot 3 2</b>			<b>38.5</b>	<b>5a</b>	<input checked="" type="checkbox"/>	<b>*</b>
																							<input type="checkbox"/>	
																							<input type="checkbox"/>	
																							<input type="checkbox"/>	
																							<input type="checkbox"/>	

18. Point of Diversion and Place of Use Overlaps

* <b>50,936</b>	**
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# MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

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Date: July 1, 2024

From: Christa Anhold, Environmental Scientist

Re: New Application, File No. 50,936 & Change, File No. 44,507 – Mulvane Farm

## Summary

Mulvane Farm has filed the above referenced application proposing to appropriate 90 AF of groundwater per calendar year from one (1) existing well at the rate of 1,000 gallons per minute to irrigate 90-acres in Shawnee County. The senior Water Right File No. 44,507 reported over pumping in 2022 and a change application was filed to expand the place of use. The new above application was filed to prevent over pumping and to cover water used on the expanded place of use. When combined the senior file and new file will be limited to 90 AF of groundwater per year and 1,000 gallons per minute. The applicant owns the place of use and point of diversion.

## Change Application

A change application was filed for Water Right File No. 44,507 to expand the place of use from 76.5-acres to 90-acres. WR File No. 44,507 was certified on September 14, 2007, as a single well to operate at 535 GPM to divert 76.5 AF. The above referenced new application will permit additional water required to cover the additional 13.5-acres. This change application will create a complete overlap in place of use. All owners of the place of use and point of diversion have signed the change application.

## Reasonable Rate and Quantity

The requested 90 acre-feet of groundwater applied to 90-acres is equivalent to 1.0 acre-foot per acre, which is the maximum reasonable quantity for Shawnee County. The new application would providing an additional quantity and rate of 13.5 acre-feet of water and 465 gallons per minute to the existing senior Water Right File No. 44,507. A rate of 1,000 gallons per minute appears reasonable for the area.

## Source of Supply and Safe Yield

The applicants well log on WWC5 indicates sandy loam from ground surface to 5 feet and alternating layers of sand and gravel to a total depth of 44 feet below ground surface. Static water level was measured at 9 feet in 2001 when the well was constructed. Based on the provided and neighboring well logs and the source of supply is likely alluvium of the Kansas River.

A safe yield report indicates the source of supply to cover 8,042 acres. Based on potential recharge of 8.5 inches, with 75% available for appropriation, safe yield was determined to be 4,275.27 acre-feet. Existing appropriations total 3,554.6 acre-feet, leaving 717.97 acre-feet available to irrigate 90 acres with 90 acre-feet of water. Safe yield criteria per K.A.R. 5-3-11 are satisfied.

## Nearby Water Rights

The closest non-domestic well is 1,560 feet from the proposed point of diversion and is owned by the applicant. The closest domestic well is 2,500 feet from the proposed point of diversion. Minimum well spacing standards defined in K.A.R. 5-4-4 have been met. One potential domestic water user was identified while reviewing the application. A nearby notification was mailed on March 21, 2024. No response has been received to date.

## Recommendations

The application was sent for consideration to Nathan Westrup, Water Commissioner of the Topeka Field Office, and Shaun Johnson, Assistant Water Commission of the Topeka Field Office, on July 1, 2024, and recommended for approval via email on July 2, 2024.

The applicant signed an Assurance District statement for Kansas River Water Assurance District No. 1, which informs the applicant that there could be times when the diversion of water may not be allowed under this permit. The Kansas River Water Assurance District was notified of the application via email on March 26, 2024. No reply has been received to date.

The application complies with all regulations concerning reasonable quantity, safe yield, and minimum spacing requirements. Approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.



Christa Anhold  
Environmental Scientist  
Manhattan Headquarters

**From:** Westrup, Nathan [KDA]  
**Sent:** Tue 7/2/2024 8:00 AM  
**To:** Anhold, Christa [KDA]  
**Cc:** Johnson, Shaun [KDA]  
**Subject:** RE: New 50936 and Change 44507 recommendation request

Hey Christa,

My apologies, thank you for sending the map. I actually see it in docuware now – I just hadn't clicked around enough.

I have no objection to approval.

Thank you,

**Nathan Westrup, Water Commissioner**

Topeka Field Office  
Division of Water Resources  
Kansas Department of Agriculture  
Phone: 785-296-7064  
Mobile: 785-230-2991  
[Nathan.Westrup@ks.gov](mailto:Nathan.Westrup@ks.gov)

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**From:** Anhold, Christa [KDA] <Christa.Anhold@ks.gov>  
**Sent:** Tuesday, July 2, 2024 7:40 AM  
**To:** Westrup, Nathan [KDA] <Nathan.Westrup@ks.gov>  
**Cc:** Johnson, Shaun [KDA] <Shaun.Johnson@ks.gov>  
**Subject:** RE: New 50936 and Change 44507 recommendation request

The map should be in docuware. I have included it here for you as well.

Christa Anhold  
(785)564-6644

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**From:** Westrup, Nathan [KDA] <[Nathan.Westrup@ks.gov](mailto:Nathan.Westrup@ks.gov)>  
**Sent:** Monday, July 1, 2024 5:24 PM  
**To:** Anhold, Christa [KDA] <[Christa.Anhold@ks.gov](mailto:Christa.Anhold@ks.gov)>  
**Cc:** Johnson, Shaun [KDA] <[Shaun.Johnson@ks.gov](mailto:Shaun.Johnson@ks.gov)>  
**Subject:** RE: New 50936 and Change 44507 recommendation request

Is there a map that was submitted with the application? I don't see it in docuware.

Thanks,

**Nathan Westrup, Water Commissioner**

Topeka Field Office  
Division of Water Resources  
Kansas Department of Agriculture  
Phone: 785-296-7064  
Mobile: 785-230-2991  
[Nathan.Westrup@ks.gov](mailto:Nathan.Westrup@ks.gov)

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**From:** Anhold, Christa [KDA] <[Christa.Anhold@ks.gov](mailto:Christa.Anhold@ks.gov)>  
**Sent:** Monday, July 1, 2024 11:28 AM  
**To:** Westrup, Nathan [KDA] <[Nathan.Westrup@ks.gov](mailto:Nathan.Westrup@ks.gov)>

**Cc:** Johnson, Shaun [KDA] <[Shaun.Johnson@ks.gov](mailto:Shaun.Johnson@ks.gov)>

**Subject:** New 50936 and Change 44507 recommendation request

Good morning,

I have attached a draft memo for 50,936 and 44,507 for your review and recommendation. Nearby notifications were mailed on March 21, 2024, no responses have been received to date.

Let me know if you need anything else.

Christa Anhold  
Environmental Scientist  
Department of Water Resources  
(785)-564-6644  
[Christa.anhold@ks.gov](mailto:Christa.anhold@ks.gov)

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  
FOR  
CHANGE IN PLACE OF USE  
WATER RIGHT  
FILE NO. 44,507**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Ross M. Jory and Lelean A. Smith, Trustees for the David M. and Martin M. Hughes Trust and Zenia A. Hughes Trust, D.B.A. Mulvane Farm, 16231 Northwest 54th Street, Lot 1, Rossville, Kansas 66533, received in this office on January 4, 2023, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

13.5 acres in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ),  
35.0 acres in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$  NE $\frac{1}{4}$ ),  
3.0 acres in Lot 1

a total of 51.5 acres in Section 31, and

9.5 acres in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$ ),  
27.0 acres in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$  NW $\frac{1}{4}$ ),  
2.0 acres in Lot 3,

a total of 38.5 acres in Section 32,

all in Township 10 South, Range 13 East, Shawnee County, Kansas.

located substantially as shown on the topographic map accompanying the application to change the place of use.

All diversion works 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.



The water right owner shall properly install an acceptable water meter on each of the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 44,507, for permit to appropriate for beneficial use, is as stated and set forth in the Certificate of Appropriation, dated September 14, 2007.

It is so ordered this 8<sup>th</sup> day of August, 2024, in Manhattan, Riley County, Kansas.

*Lane P. Letourneau*

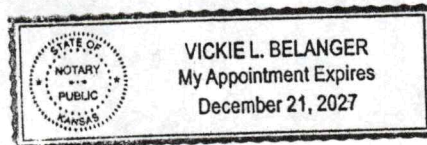
Lane P. Letourneau, P.G.  
Water Appropriation Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of August, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

*Vickie L. Belanger*

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

August 21, 2024

MULVANE FARM  
16231 NW 54TH ST  
ROSSVILLE KS 66533

RE: Appropriation of Water  
File No. 50,936

Water Right  
File No. 44,507

Dear Sir or Madam:

Enclosed is a new 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 the new permit. Also enclosed is an order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change in place of use under the above referenced water right.

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.

Also included 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](http://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 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 Applications Unit Supervisor  
Division of Water Resources

KAB:cla  
Enclosure(s)  
pc: Topeka 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 21<sup>st</sup> day of August, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,936, dated August 8, 2024, was mailed postage prepaid, first class, US mail to the following:

Original to:

MULVANE FARM  
16231 NW 54TH ST  
ROSSVILLE KS 66533

With photocopies to:

KDA-DWR Topeka Field Office



Division of Water Resources