

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

1. File Number: <p style="text-align: center;">50142</p>		2. Status Change Date: <p style="text-align: center;">9/21/2023</p>		3. Field Office: <p style="text-align: center;">02</p>		4. GMD: <p style="text-align: center;">02</p>		
5. Status: <input checked="checked" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return								
6. Enclosures: <input checked="checked" type="checkbox"/> Check Valve <input checked="checked" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="checked" type="checkbox"/> Meter								
7a. Applicant(s) New to system <input type="checkbox"/> Person ID <u>20101</u> Add Seq# _____ JUDITH YOUNG 28817 W 125TH ST N BURRTON, KS 67020-9262				7c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ ← MODIFY: RONNIE IS DECEASED				
7b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ 7A				7d. Misc New to system <input type="checkbox"/> Person ID _____ Add Seq# _____				
8. WUR Correspondent New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No Notarized WUC Form <input type="checkbox"/> 7a				9. Use of Water: Changing? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Groundwater <input checked="checked" type="checkbox"/> Surface Water <input checked="checked" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____				
10. Completion Date: <u>12/31/24</u>		11. Perfection Date: <u>12/31/28</u>			12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="checked" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____								
14. Water Level Measuring Device? <input checked="checked" type="checkbox"/> Yes <input type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____								
Date Prepared: 9/18/2023 By: BMM Date Reviewed: 9/18/2023 By: KAK Date Entered: _____ By: <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td style="text-align: center;">9/25/2023 L Moody</td></tr></table>								9/25/2023 L Moody
9/25/2023 L Moody								

File No. **50,142** 15. Formation Code: 190 Drainage Basin: Little Arkansas River County: Reno Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity				
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized Rate gpm	Quantity af	Additional Rate gpm	Quantity af	Overlap PD Files
ENT	82979	SW NE NE	18	24S	3W	3	3,965	1220		800	369.2	0	210.8	49,049

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

19. Limitation: _____ af/yr at **800** gpm (**2.15** cfs) when combined with file number(s) **49,049**
 Limitation: **429** af/yr at _____ gpm (_____ cfs) when combined with file number(s) **33,149, 49,049**

20. Meter Required? Yes No To be installed by **12/31/2024** Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
T 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	1288	18	24S	3W	1	17	27	32	31									32.5	32.5	32.5	25.5	230	7A	Y	33,149, 49,049				
CHK	65857	18	24S	3W	2	32.5	32.5	32.5	32.5									32.5	32.5	32.5	25.5	123	7A	Y	33,149, 49,049				
CHK	71147	19	24S	3W	DEL	32.5	32.5	32.5	32.5													130	7A	Y	33,149, 44,049				

Comments: 9/25/2023
BMM

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files **DATE:** August 9, 2023
FROM: Brandon Milner **RE:** Change Application Nos 33,149
& 49,049 & New Application
50,142

Ronnie Young has filed an application for approval to change the authorized place of use under Water Right, File Nos. 33,149 and 49,049. The applicant has requested to add additional acreage with a full overlap in the place of use with new application no. 50,142 which overlaps in the point of diversion with Senior Water Right No. 49,049. The referenced water rights do not appear abandoned as per K.S.A. 82a-718.

New application no. 50,142 was filed on October 5th, 2018 requesting 369 acre feet of water to irrigate 360 acres in sections 18-19, Township 24 South, Range 3 West in Harvey County. However, it was discovered that there were incomplete overlaps in the place of use under senior Water Right Nos. 33,149 and 49,049. A letter was sent to the applicant on September 22, 2022 explaining that change applications would need to be submitted to form a complete place of use overlap between the three files before processing of application no. 50,142 could continue. Change applications on Senior Water Right Nos. 33,149 and 49,049 were submitted on November 22, 2022. With the change applications submitted on Senior Files No. 33,149 and 49,049, there is a complete overlap in the place of use with new application no 50,142 with a total of 360 acres being irrigated.

The aquifer for this application is the Equus Beds as based on well logs and being within Groundwater Management District No. 2. Tim Boese of the GMD 2 district ran safeyield on new application no. 50,142. The area of recharge was determined to be 8,042 acres with a safeyield calculation of 4,021-acre feet. Existing appropriations totaled 3,810.2 acre-feet, leaving 210.8 acre-feet available for appropriation which is less than the requested volume of 369 acre feet but will be reasonable when combined with Senior Water Right nos 31,149 and 49,049 equaling 429 acre feet when combined.

Senior Water Right No 33,149 is authorized a total of 18 acre feet at 360 gallons per minute between two points of diversion and Senior Water Right No. 49,049 is authorized 200.2 acre feet at 800 gallons per minute. Application no. 50,142 is requesting 369.2 acre feet at 800 gallons per minute. a complete point of diversion overlap. Application no. 50,142 will be limited to 429 acre feet when combined with Water Right Nos. 33,149 and 49,049 and limited to a rate of 800 gallons per minute when combined with Water Right No. 49,049. 429 AF on 360 acres is 1.19 AF/acre which is considered reasonable to irrigate in Harvey County where the maximum allowed is 1.3 AF/ acre.

There are no wells non domestic wells within 1320' of Water Right Nos 33,149 & 49,049 and application no. 50,142. There are no domestic wells within 660' of any of the two senior water rights and new application. Spacing has been met as according to K.A.R. 5-22-2 via the regulations of GMD # 2 office.

An approved flowmeter will need to installed on all points of diversion with the Senior Rights/New application. A check valve is required if chemigating.

The applications were sent to GMD # 2 for recommendation on December 13, 2022 and were recommended for approval on August 3, 2023. In an e-mail on August 31, 2023, Jeff Lanterman, Water Commissioner of the Stafford Field Office, indicated no objections to approval of the referenced change and new applications.

Based on the above discussion that the changes are reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced applications be approved along with new application no. 50,142.

Brandon Milner
Environmental Scientist

DALE SCHMIDT, PRESIDENT
VIN KISSICK, VICE PRESIDENT
DAVID BOGNER, SECRETARY
MIKE MCGINN, TREASURER
TIM BOESE, MANAGER
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:
MICHAEL BAALMANN
JOE BERGKAMP
ALAN BURGHART
RODNEY EGGLESTON
JAKE MARTIN
ETHAN REIMER
DAVID STROBERG

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

August 2, 2023

Chief Engineer, Division of Water Resources
Attn: Brandon Milner
1320 Research Park Drive
Manhattan, Kansas 66502

8/3/23

Water Resources
Received

Re: Appropriation Application No. 50142 – Judith M. Young ETAL [KS Dept Of Agriculture](#)

Dear Mr. Milner:

The Equus Beds Groundwater Management District No. 2 reviewed the referenced new appropriation application on August 2, 2023, using the District's Revised Management Program (effective May 1, 1995), and Rules and Regulations K.A.R. 5-22-1 through 5-22-17.

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. Therefore, the new application is recommended for approval by the Equus Beds Groundwater Management District No. 2, subject to the authorized quantity being further limited to 429 acre-feet per year when combined with Water Permit Nos. 33149 and 49049; and the rate being further limited to 800 gallons per minute when combined with Water Permit No. 49049.

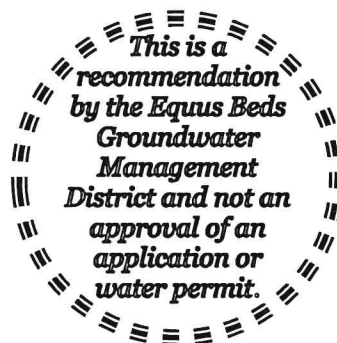
A District decision may be appealed to the District Board of Directors by submitting a written petition to the District office within 30 days from date of this notification, pursuant to K.A.R. 5-22-12.

Sincerely,
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

Tim Boese
Manager
TDB/BLB

Enclosures

pc: Judith M. Young ETAL, Owner
Jeff Lanterman, Department of Water Resources, Stafford



EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2 FINAL APPLICATION REVIEW CHECKLIST

1) Application No. 50142 Date filed: October 5, 2018
 2) Applicant: Ronnie L. Young County: Harvey
 3) Proposed maximum quantity: 369.2 LTD acre-feet/year Rate: 800 LTD GPM
 4) Proposed Use: Irrigation
 5) P/D location: SW NE NE 18-24S-3W Geo Center: North 3965 ft, West 1220 ft
 6) Number and type of points of diversion listed on the application 1 Well

7) Meter required K.A.R. 5-22-4a or K.A.R. 5-22-8? Yes No, Why _____

8) Meets Safe Yield K.A.R. 5-22-7? Yes No N/A

(a) Total allowable appropriations: 4021.00 af/yr
 (b) Total existing appropriations: 4120.89 af/yr
 (c) Total small user exemptions: 30.00 af/yr
 (d) Total non-consumptive use: 99.89 af/yr
 (e) Total consumptive use: 4021.00 af/yr
 (Total existing appropriations) – (Total non-consumptive use)
 (f) exempt from regulation? Yes No,
 Cite exemption: _____

9) Meets Well Spacing K.A.R. 5-22-2? Yes No N/A

(a) POD in enhanced well spacing area? Yes No
 (b) Domestic well spacing interval: >660 ft
 (c) Non-Domestic well spacing interval: >1320 ft

10) Meets Max Reasonable Quantity K.A.R. 5-22-14? Yes No N/A

(a) Irrigation max quantity: 1.03; 1.19 combined acre-feet / acre
 application paragraph 3 value (acre-feet) / proposed acres = Q
 (b) Stockwater max quantity: _____ GPD _____ unit
 (c) Industry max quantity: _____ Acre _____
 Industry standard: _____
 (d) Municipal max quantity: _____ GCD
 Lesser of either 200 GCD or
 $1.10 * (X - Y) * 365 d * (z + t)$
 X - Average of last three years usage in Gallons per Capita per Day (GCD)
 Y - water usage for industries that use over 200,000 gal/yr (GCD)
 Z - Projected population in 20 years
 T - Reasonable projected water use for industries that use over 200,000 gallons per year (GCD)

(e) Pond max quantity is _____
 (Net evap + seepage)/12 x pond area + any initial fill

(f) Groundwater pit max Q: _____
 Net evap * pit area/12

11) Reasonable rate for intended use? Yes No N/A

12) Depth to water: 10.3 ft on 7/31/2023 bls at observation well: P 35AA

13) Date reviewed: 8/2/2023

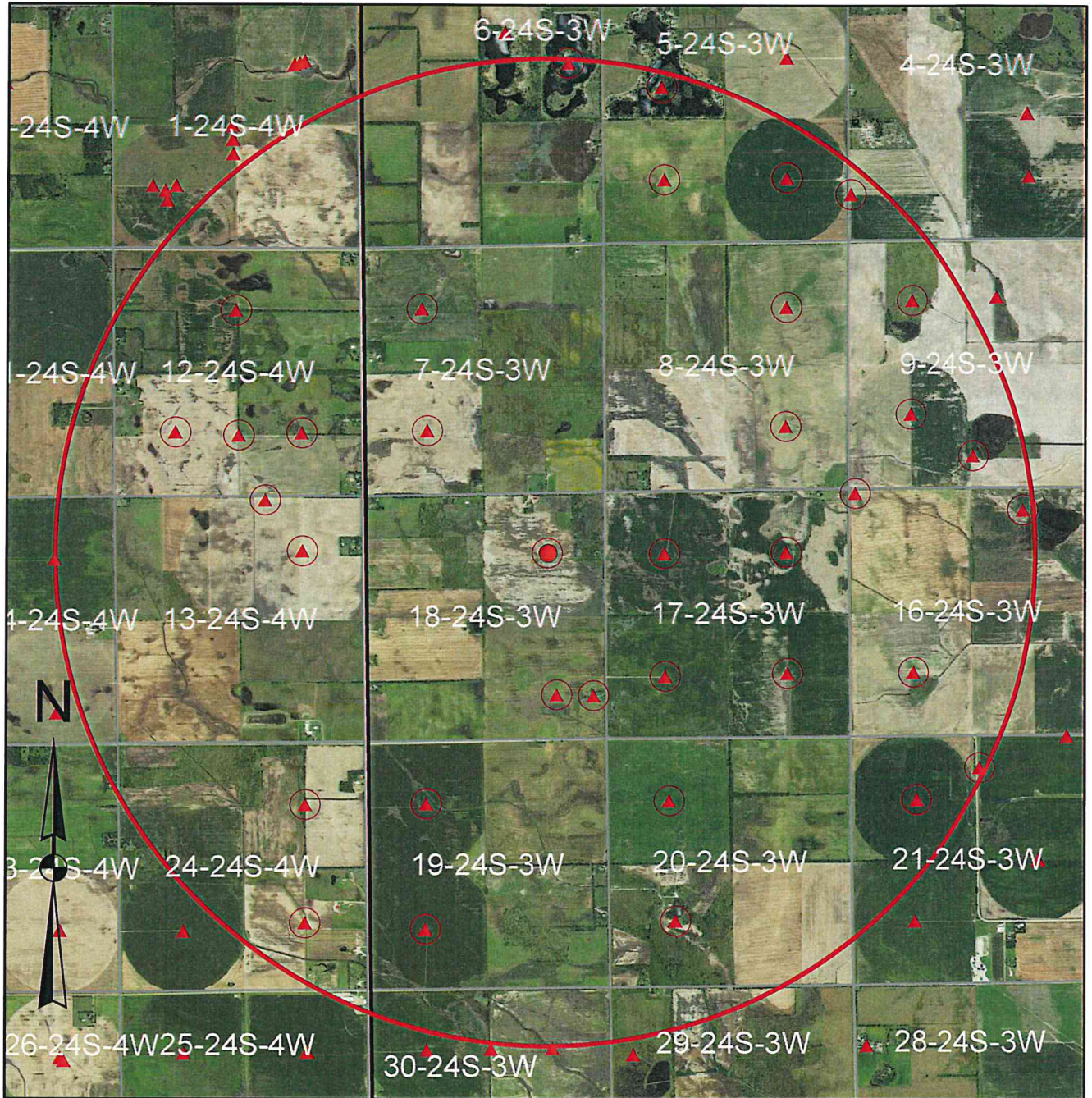
14) Reviewed by: B. Barton & T. Boese Title: Hydrogeologist / Manager













15) District recommendation: Approve Deny Other, see comment

16) Comments and Calculations:

Review completed for new application submitted by Ronnie L. Young for 369.2 AF for irrigation use on 360 acres in Harvey County. PD and PU overlap with Water Permit No. 49049. PU also overlaps with Water Right # 33149. PU change apps filed for Water Permit/Right Nos. 33149 and 49049 to create identical place of use overlap between all three files in conjunction with this new app submittal to DWR. Proposed quantity will need to be limited to 429 AF when combined with Nos. 33149 and 49049 to comply with safe yield regulation. Proposed PD overlaps with No. 49049 PD. Rate needs to be limited to 800 GPM with No. 49049
 Item #8 - Does meet safe yield with quantity limitation of 429 AF when combined with Nos. 33149 and 49049.
 Item #9 - Meets spacing to domestic and non-domestic wells.
 Item #10(a) – 369.2 AF / 360 Acres = 1.03 AF/A. Total combined: 429 AF / 360 acres = 1.19 AF/A for irrigation in Harvey County has a max of 1.3 AF/A.
 Application is close/adjacent to Burrton IGUCA, approximately 1/4 mile south of southern edge of Burrton IGUCA, water quality could be an issue in the future if salt plume migrates to the south.
 Recommend approval, complies with K.A.R. 5-22-1 through 5-22-17.

Equus Beds Groundwater Management District No. 2
 Safe Yield Evaluation #50142 - Young
 SWNENE (3965'N & 1220'W) 18-24S-03W, Harvey County
 Prepared By: T. Boese Date:8/2/2023



	Proposed Point of Diversion	Map Legend	
	Area of Consideration Boundary		Major Highway
	Monitoring Wells		Other Roadway
	Points of Diversion		Major Stream
	District Boundary		Other Water Feature
0.45 0.225 0 0.45 Miles			County Boundary
			City Boundary

SAFEYIELD EVALUATION - NO. 50142 - YOUNG
LOCATION: SWNE (3965'N & 1220'W) 18-24S-03W, Harvey County
SPECIAL USE AREA: None
EVALUATION DATE:- 8/2/2023

Total Areas: 8,042 acres; Area in 3 inch discharge zone: 0 acres; Area in 6 inch discharge zone: 8,042 acres

FILE_ID	WELL_ID	TOWNSHIP	RANGE	SECTION	QUALIFIER	USE	AUTHQUANTITY
A02629400	1830	24S	03W	21	45822523	IRR	5
A02734000	870	24S	04W	13	51852089	IRR	83
A02751600	722	24S	04W	13	40801305	IRR	94
A02946500	1339	24S	04W	13	51852089	IRR	66
A02993500	324	24S	03W	16	13503960	IRR	154
A030205D1	1248	24S	04W	24	39601305	IRR	43.875
A030205D2	5308	24S	04W	24	39601305	IRR	34.125
A03028100	1484	24S	03W	20	39543917	IRR	190
A030425D1	293	24S	03W	8	13201340	IRR	128
A030425D2	294	24S	03W	17	39391339	IRR	191
A03260300	1706	24S	03W	19	39603920	IRR	141
A032954D1	850	24S	03W	21	39203955	IRR	35.25
A032954D2	850	24S	03W	21	39203955	IRR	35.25
A032954D3	850	24S	03W	21	39203955	IRR	70.5
A03298900	300	24S	03W	17	13153968	IRR	80
A03299300	1823	24S	03W	17	13401340	IRR	203
A03314900	1307	24S	03W	18	9000265	IRR	13
A03314900	1306	24S	03W	18	9251060	IRR	5
A03316800	1299	24S	04W	24	14301340	IRR	11
A03326700	1630	24S	03W	7	13343800	IRR	98
A03335600	1743	24S	03W	19	12753960	IRR	118
A03349500	1107	24S	03W	9	15803960	IRR	76
A03503500	233	24S	03W	5	13201320	IRR	130
A03738600	1158	24S	03W	7	39363886	IRR	136
A03799100	1707	24S	03W	6	38500710	REC	82
A04026700	53	24S	03W	9	6712561	REC	13
A04027900	1078	24S	04W	13	51852089	IRR	24
A04196000	2241	24S	03W	5	33004000	REC	72
A04243900	2304	24S	03W	16	52025186	IRR	152
A04254500	2409	24S	04W	12	12872635	IRR	96
A04273200	2461	24S	03W	7	13343800	IRR	83
A04274600	2462	24S	04W	12	13451291	IRR	100
A04308900	2519	24S	03W	8	38731345	IRR	143
A04309000	2520	24S	03W	17	39263972	IRR	195
A04310400	2527	24S	03W	9	39903921	REC	37
A04313000	2531	24S	03W	4	9535237	IRR	118
A04344100	2582	24S	04W	12	13633987	IRR	154
A04762500	3717	24S	04W	12	39602660	IRR	140
A04762800	3716	24S	03W	9	6712561	REC	30
A04771700	3766	24S	03W	16	48001500	REC	15
A04904900	4224	24S	03W	18	39651220	IRR	200.2
A04994100	5136	24S	03W	20	13903813	IND	15
A05014200P	5271	24S	03W	18	39651220	IRR	210.8
A05059700P	5374	24S	03W	5	13203960	IRR	0
A20179072	5225	24S	03W	20	13903813	HYD	99.89
MF20187095	0	24S	03W	9	15803960	IRR	0
MF20197002	0	24S	03W	16	13503960	IRR	0
MF20197039	0	24S	03W	8	13201340	IRR	0
Allowable Appropriations	4,021.00				Total Existing Appropriation		4,120.89
Small User Quantity	30				Non Consumptive Appropriations		99.89
Remaining SUQ	15				Consumptive Appropriations		4,021.00
Note- Values are in acre-feet					Available Appropriations		0

Equus Beds Groundwater Management District No. 2

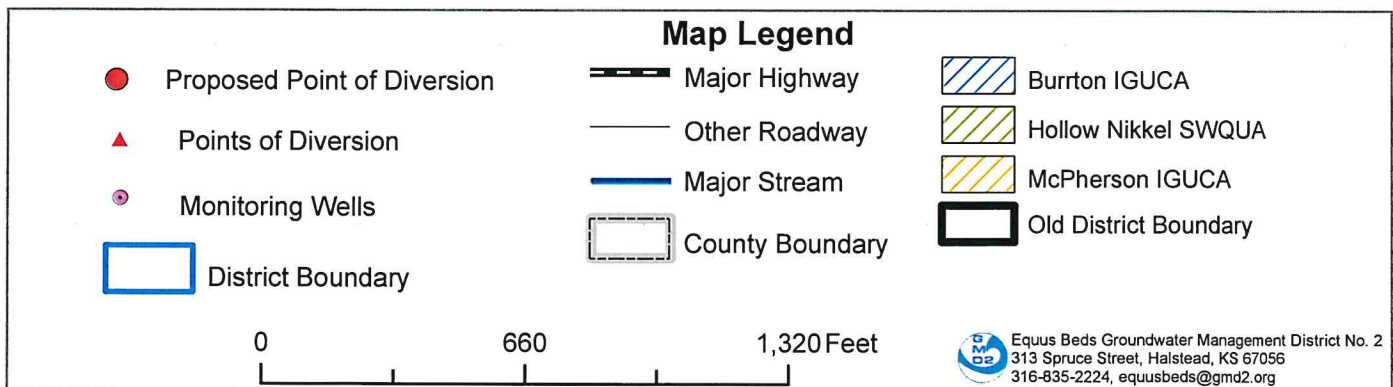
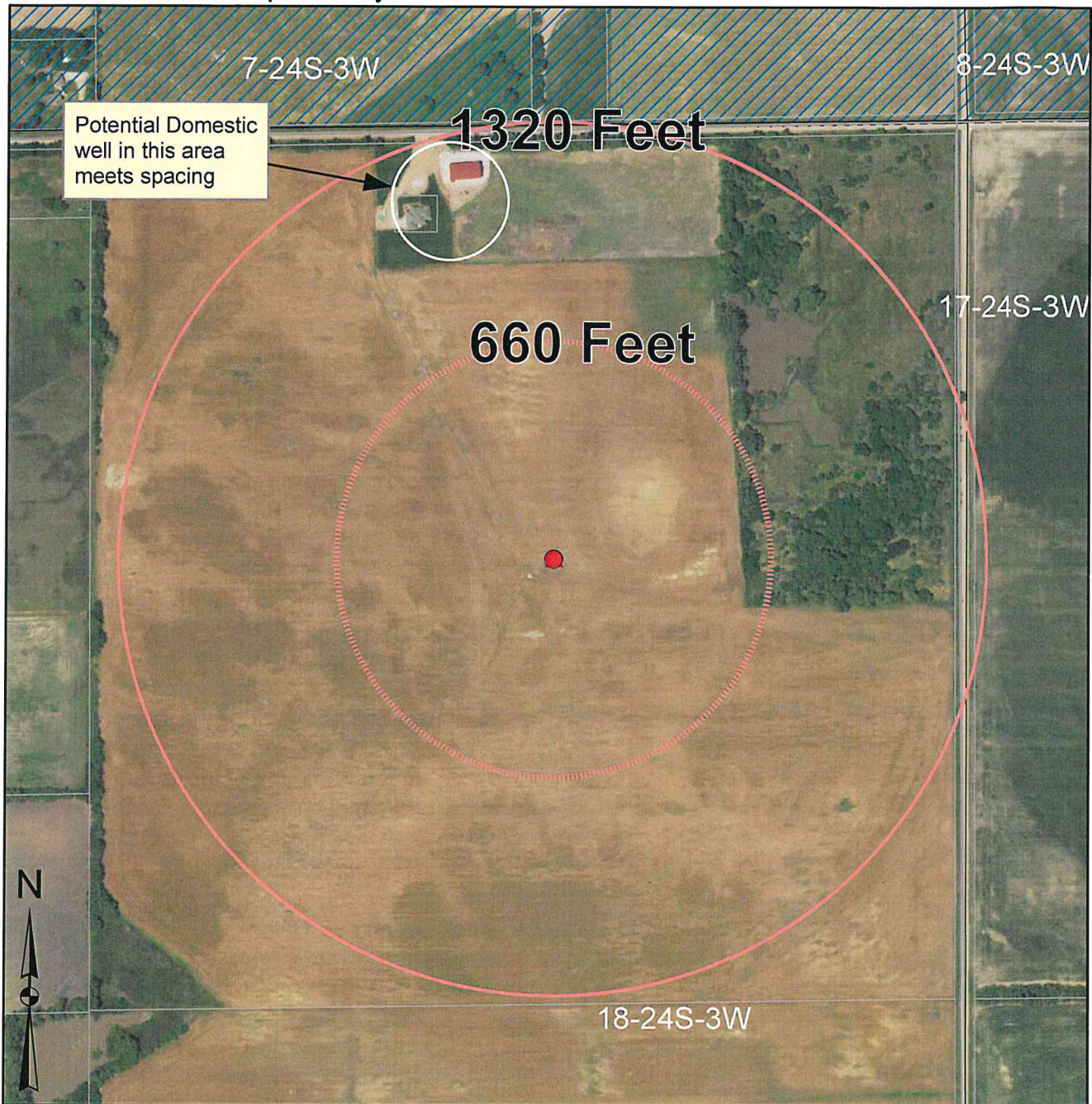
SW-NE-NE (3965'N & 1220'W) 18-24S-03W, Harvey County

SPACING EVALUATION NO 50142

SPECIAL USE AREA: NONE

Prepared By: BRAD BARTON

Date: 12/23/2022



From: Lanterman, Jeff [KDA]
Sent: Thu 8/31/2023 4:00 PM
To: Milner, Brandon [KDA]; Baum, Kristen [KDA]
Cc: Conant, Cameron [KDA]
Subject: FW: 33,149 49049 and 50142 Memo
Attachments: 33149 49049 50142 Memo.doc, 50142 GMD 2 review packet.pdf, 33149 GMD 2 review packet.pdf

Brandon. I took a look at these applications. If I read Tim's safe yield correctly there was only 210.8 AF additional available at the well location that will be authorized by 50142/49049. Please check me on that.

There are a couple things we could do differently than Tim's overall quantity limitation he is recommending. **What I would do is just approve 50142 for 210.8 AF. Which would be all additional, no quantity limitation.**

That does essentially the same thing as what he proposes. 50142 = 210.8AF, 49049= 200.2 AF and 33149 = 18 AF for a grand total of 429 AF on the PU no quantity limitations needed.

This eliminates the ability to pump the 18 AF currently authorized under 33149 from that north well which is closer to the IGUCA and the Burrton plume at a higher rate. (Tim snuck that one in) I would agree that 50142 and 49049 should be limited to 800 GPM

With this simple change I recommend approval of the changes and new application as this meets minimum reasonable quantity and safe yield as proposed with the complete overlap of the senior water rights. I checked the nearby water levels and they were steady.

If you do not agree with the above changes let me know and we can chat it over. Copied Ken and Kristen as my review deviates a small bit from Tim's recommendation.

Thank You

Jeff

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Wednesday, August 30, 2023 3:07 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: 33,149 49049 and 50142 Memo

Can you please hit this packet of reviews, couple p/u changes on existing rights to overlap with a new file for additional water. GMD had this for a long, long time but I guess they got the apps squared away and in a place that could be processed.

Cameron

From: Conant, Cameron [KDA]
Sent: Monday, August 14, 2023 10:32 AM
To: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: 33,149 49049 and 50142 Memo

Thanks Brandon, hope we can get to it soon for a review. That is correct, when a new application is involved and increasing the acres on existing files, as long as there is real additional quantity with the new app we can increase the acres on the senior files to maintain a complete overlap by more than 10 ac/10 %.

Cameron

From: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Sent: Monday, August 14, 2023 10:25 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: 33,149 49049 and 50142 Memo

Good morning guys,

I've attached a memo for change application nos. 33,149 and 49,049 along with new application no. 50,142. This file has been around since 2018 but I think we may have it all figured out.

One question I did have: With change applications that refer to an increase of base acres, does the rule of a max of 10% increase only apply when there is a complete overlap with a new application with additional volume?

Otherwise, could you provide a recommendation on this project? 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. 50,142** of the applicant

JUDITH YOUNG
28817 W 125TH ST N
BURRTON KS 67020-9262

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 **October 5, 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		
18 - 24S - 3W	17.0	27.0	32.0	31.0										32.5	32.5	32.5	25.5	230.0
19 - 24S - 3W	32.5	32.5	32.5	32.5														130.0

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 Southwest Quarter of the Northeast Quarter of the Northeast Quarter (SW¼ NE¼ NE¼) of Section 18, more particularly described as being near a point 3,965 feet North and 1,220 feet West of the Southeast corner of said section, in Township 24 South, Range 3 West, Harvey County, Kansas, located substantially as shown on the aerial photograph accompanying the application.

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 **369.2 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, 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.

6. 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.

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 with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The 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 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.

17. That the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File No. 33,149, and Appropriation of Water, File No. 49,049, will provide **a total not to exceed 429 acre-feet** of water per calendar year for irrigation use on the land described herein.

18. That the rate of diversion approved under this permit is further limited to the rate which combined with Appropriation of Water, File No. 49,049, will provide a maximum diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** from the well described herein.

19. 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.

It is so ordered this 21 day of September, 2023, in Manhattan, Riley County, Kansas.

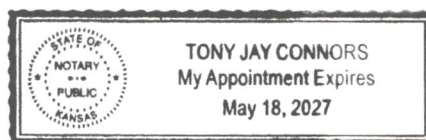
Lane P. Letourneau

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 21 day of September, 2023, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Tony Jay Connors
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

September 27, 2023

JUDY YOUNG
28817 W 125TH ST N
BURRTON KS 67020-9262

RE: Water Right
File No. 33,149

Appropriation of Water
File Nos. 49,049 and 50,142

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. The new application has been processed in conjunction with your Applications to Change the Authorized Place of Use, under Water Right, File No. 33,149, and Appropriation of Water, File No. 49,049, the approvals of which are also enclosed. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in the approved permit and the change orders.

For the approved permit, a 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.

Acceptable water flowmeters must be installed on all diversion works 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 new 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.

RONNIE & JUDY YOUNG

File Nos. 33,149, 49,049 and 50,142

Page 2 of 2

Also included is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of the water right perfected under the new permit. 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 and Change Applications Unit Supervisor
Division of Water Resources

KAB:kak:bmm

Enclosure(s)

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 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

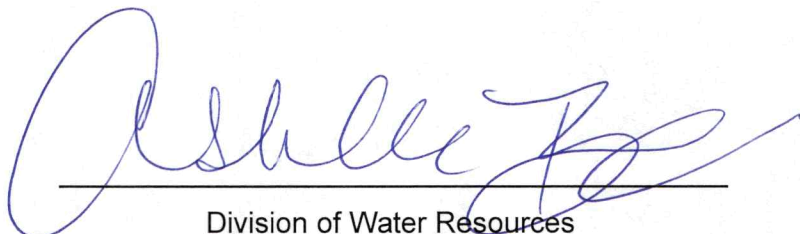
On this 27 day of September, 2023, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50142, dated 21 September, 2023, was mailed postage prepaid, first class, US mail to the following:

JUDY YOUNG
28817 W 125TH ST N
BURRTON KS 67020-9262

With photocopies to:

KDA-DWR Stafford Field Office

Equus Beds GMD No. 2



Division of Water Resources

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
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900 SW Jackson, Room 456
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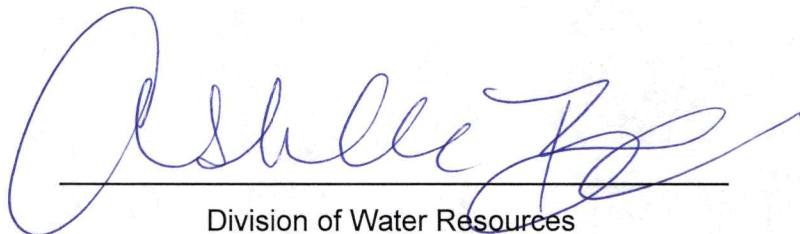
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