

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;">50,412</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;">1/2/2024</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;">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

<p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 88017 Add Seq# _____</p> <p>WEBER LAND LLC 247 MAIN ST HALSTEAD, KS 67056</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>
<p>7b. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>	<p>7d. Misc. New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>

<p>8. WUR Correspondent New to system <input type="checkbox"/></p> <p>Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a</p> <p style="text-align: right;">Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" 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: 12/31/2025 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: _____ Date WLMD Installed: _____

<p>Date Prepared: 11/18/20</p> <p>Date Reviewed: 1/2/2024</p> <p>Date Entered: 1/4/2024</p>	<p>By: JNE</p> <p>By: KAK</p> <p>By: KAnderson</p>
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File No. 50,412	15. Formation Code: 100	Drainage Basin: LITTLE ARKANSAS	County: HV	Special Use:	Stream:																																																																																																									
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="10" style="width:50%; vertical-align: top;"> 16. Points of Diversion T MOD DEL PDIV ENT Qualifier S T R ID 'N 'W </td> <td colspan="5" style="width:50%; vertical-align: top;"> 17. Rate and Quantity Authorized Additional Rate gpm/cfs Quantity af/mgy Rate gpm/cfs Quantity af/mgy Overlap PD Files </td> </tr> <tr> <td>MOD</td> <td>88017</td> <td>SW NW SE</td> <td>3</td> <td>24S</td> <td>2W</td> <td>1</td> <td>1830</td> <td>2580</td> <td>851</td> <td>237</td> <td>111</td> <td>0</td> <td colspan="2">2854 & 6139</td> </tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>						16. Points of Diversion T MOD DEL PDIV ENT Qualifier S T R ID 'N 'W										17. Rate and Quantity Authorized Additional Rate gpm/cfs Quantity af/mgy Rate gpm/cfs Quantity af/mgy Overlap PD Files					MOD	88017	SW NW SE	3	24S	2W	1	1830	2580	851	237	111	0	2854 & 6139																																																																												
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18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																																																																																																														
19. Limitation: _____ 237 af/yr at _____ 851 gpm (_____ 1.9 cfs) when combined with file number(s) 2854 and 6139 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____																																																																																																														
20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be installed by 12/31/2025 Date Acceptable Meter Installed _____																																																																																																														
21. Place of Use T MOD DEL ENT PUSE S T R ID		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files																																																																																									
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Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: File

DATE: October 13, 2020

FROM: Jessica Engelbrecht

RE: Application, File No. 50,412

Weber Land,LLC has filed the referenced application to appropriate groundwater for irrigation use, requesting one (1) well, a quantity of 237 acre-feet, and a diversion rate of 851 gallons per minute. The proposed well is to be located in the Southwest Quarter of the Northwest Quarter of the Southeast Quarter (SW¼ NW¼ SE¼) of Section 3, more particularly described as being near a point 1,830 feet North and 2,580 feet West of the Southeast corner of said section, in Township 24 South, Range 2 West, Harvey County, within the North Fork Ninescah drainage basin. The proposed point of diversion is located within the boundaries of Equus Beds Groundwater Management District No. 2. The application is for a rate increase. The proposed point of diversion and place of use overlaps File Nos. 2,854 & 6,139. File No. 2,854 authorizes 185 acre-feet at a rate of 740 gpm. File No. 6,139 authorizes 51 acre-feet at a rate of 740 gpm, limited to 740 gpm when combined with 2,854. The referenced application (File No. 50,412) is limited to 237 acre-feet at a rate of 851 gpm when combined with 2,854 and 6,139.

The only domestic well within a half-mile is owned by the applicant so, no nearby notification letters were sent. According to the WRIS database, the nearest non-domestic point of diversion (Water Right, File No. 19,174) is located over 4,000 feet away. Based on the site map the nearest domestic well is approximately 2,300 feet away. 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 Equus Beds Groundwater Management District No. 2, the minimum well spacing should be 1,320 feet to all other non-domestic wells and 660 feet to domestic wells.

A driller's log shows topsoil from 0 to 9 feet, tan medium coarse sand from 9 to 30 feet, dark grey clay from 30 to 38 feet, fine grey sand streak from 38 to 39 feet, dark grey clay from 39 to 45 feet, dark grey clay with fine sand streaks from 45 to 49 feet, grey fine sand from 49 to 57 feet, grey clay from 57 to 58 feet, grey sand (some fine, mostly medium) from 58 to 70 feet, grey clay from 70 to 71 feet, grey medium sand from 71 to 95 feet, grey medium sand/some fine sand from 95 to 100 feet, grey sand medium/coarse from 100 to 115 feet, white clay from 115 to 120 feet, fine white sand from 120 to 127 feet, fine white sand from 120 to 127 feet, white clay from 127 to 133 feet, fine white sand 133 to 135 feet, white clay from 135 to 136 feet and fine white sand from 136 to 140 feet. Static water level from nearby GMD 2 observation well IW11C is 37.17 feet.

The requested quantity of water, 237 acre-feet, is to irrigate the proposed 253.60 acres identified in the application. This comes out to 1.07 acre-feet per acre which is below the maximum allowable of 1.3 acre-feet per acre for Harvey County, Kansas.

A copy of the application was submitted to Equus Beds Groundwater Management District No. 2 on July 20, 2020. GMD #2 recommended approval of the application in a letter, received via email, on October 8, 2020. In the letter they said the application complies with K.A.R. 5-22-1 through 5-22-17 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 October 29, 2020. 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: Thursday, October 29, 2020 4:11 PM
To: Engelbrecht, Jessica [KDA]
Subject: RE: 50,412

Jessica. I recommend approval of this application with the appropriate rate and quantity limitations to the senior file.

Thanks.

From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Sent: Tuesday, October 13, 2020 8:22 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: 50,412

Jeff,
I've attached the memo for 50,412. The application is saved in Docuware.
Weber Land, LLC file for a rate only increase application. The application over laps the PD and PU of File Nos. 2,854 & 6,139.
GMD 2 has reviewed the application and recommended approval.

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



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my2020census.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
and
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,412** of the applicant

**WEBER LAND LLC
247 MAIN STREET
HALSTEAD KS 67056**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **July 16, 2020**.
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	
3 - 24S - 2W	Lot 2 23.2	Lot 2 23.0	Lot 1 40.0	Lot 1 39.0			Lot 1 16.4	Lot 1 20.0					12.0	40.0	35.0	5.0	253.6

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 Northwest Quarter of the Southeast Quarter (SW¼ NW¼ SE¼) of Section 3, more particularly described as being near a point 1,830 feet North and 2,580 feet West of the Southeast corner of said section, in Township 24 South, Range 2 West, Harvey 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 **851 gallons per minute (1.9 c.f.s.)** and to a quantity not to exceed **237 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, 2025**, 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, 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.

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 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).

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 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.

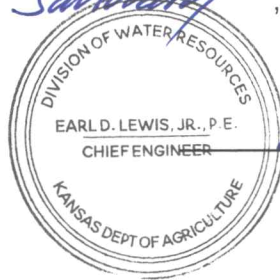
15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

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 and rate of diversion approved under this permit is further limited to the quantity and rate which combined with Water Right, File Nos. 2,854 and 6,139, will provide a total not to exceed **237 acre-feet** of water per calendar year to be diverted at a maximum diversion rate not in excess of **851 gallons per minute (1.9 c.f.s.)** for irrigation use on the land described herein.

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 2nd day of January, 2024, 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 this 2nd day of January, 2024, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings

Notary Public

