



File No. **50,646**      15. Formation Code:      Drainage Basin: **ARKANSAS RIVER**    County: **SUMNER**    Special Use:      Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>CHK</b>			<b>74808</b>	<b>NW NW NE</b>	<b>12</b>	<b>30S</b>	<b>1E</b>	<b>7</b>	<b>5,121</b>	<b>2,159</b>	<b>NF</b>	<b>124.25</b>	<b>NF</b>	<b>124.25</b>	<b>---</b>

18. Storage: Rate \_\_\_\_\_ NE    Quantity \_\_\_\_\_ ac/ft    Additional Rate \_\_\_\_\_ NE    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 \_\_\_\_\_      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	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								
<del>MOD</del>	<del>38281</del>	<del>1</del>	<del>30S</del>	<del>1E</del>	<del>2</del>			32 ACRES OF 71 ACRE MAX SURFACE AREA GROUNDWATER PIT (NW¼ SE¼) & Lot 6 <del>(SW¼ SE¼)</del>																	7a	NO	NONE
<del>MOD</del>	<del>53851</del>	<del>12</del>	<del>30S</del>	<del>1E</del>	<del>2</del>			39 ACRES OF 71 ACRE MAX SURFACE AREA GROUNDWATER PIT Lots 1 and 2 ( <del>W½ NE¼</del> )																	7a	NO	NONE
<del>ENT</del>	<del>71464</del>																										

Comments: **Groundwater pit.**  
**DEL 38281**

**ENT 71463**  
**ENT 71464**

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** March 11, 2023

**FROM:** Jessica Engelbrecht

**RE:** Application, File No. 50,646

Ian & Melissa Parker have filed the above referenced application to appropriate 124.25 acre-feet of groundwater, at a rate of natural flow, cover evaporative losses from an existing 71-acre groundwater pit, formerly authorized under File Nos. 44,471 and 44,473. The point of diversion is the geographic center of said pit, located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 12, more particularly described as being near a point 5,121 feet North and 2,159 feet West of the Southeast corner of said section, in Township 30 South, Range 1 East, Sumner County, Kansas. Application, File No. 50,646 is a point of diversion and place of use overlap with File Nos. 44,471 and 44,473. The place of use is fully owned by the applicant, and he has signed the application form affirming legal access to the point.

The proposed place of use is a 71-acre groundwater pit located in Section 12, Township 30 South, Range 1 West, Sumner County, Kansas. The applicant owns the entire place of use. The requested quantity of 124.5 acre-feet is to cover evaporation losses.

71 acres x 21 in. (potential net evaporation)  $\div$  12 in./ft = 124.25 acre-feet of evaporation

Per the requirements in K.A.R. 5-4-4, minimum well spacing should be 1,320 feet to non-domestic wells and 660 feet to domestic wells with the same source of supply. The applicant did not identify any nearby well owners within a half-mile of the proposed point of diversion. The nearest non-domestic well (File No. 48,624) is approximately 5,069 feet away. The nearest possible domestic well is over 2,500 feet away. The proposed well appears to meet safe spacing per K.A.R. 5-4-4.

In 2004 the United States Geological Survey (USGS) completed a hydrologic model of a portion of the Arkansas River and associated drainage basins (Ninnescah River), generally bounded by Ranges 2 West to 3 East and Townships 26 South to 34 South (near state line). The USGS model indicated that the aquifer in this area receives more recharge from precipitation than DWR has historically used in safe yield calculations. The data and analyses are detailed in the USGS Scientific Investigations Report 2004-5204 entitled "Characterization and Simulation of Flow in the Lower Arkansas River Alluvial Aquifer, South-Central Kansas". In order to evaluate the potential impact of this study on our safe yield calculations, DWR suspended processing applications for new appropriations of water in the model area.

DWR recently completed an evaluation of the USGS model and has determined that the precipitation recharge value of 5.4 inches per year that is used in the USGS model is reasonable and appropriate. In order to reserve water in the alluvial aquifers that can contribute to base flow to area streams and for domestic use, it was determined that 75 percent of the 5.4 inches of precipitation recharge shall be available for appropriation. This is consistent with safe yield appropriation in many other basins across the state and is the current percent available in for all applications in the Ninnescah River drainage basin. Therefore, for all pending applications within the model area, safe yield will be evaluated using the standard methodology in K.A.R. 5-3-11, which is based on the extent of the unconfined aquifer (area of consideration), a Potential Annual Recharge value of 5.4 inches, and a percent of recharge available for appropriation of 75%. Current annual recharge across the model area is approximately 3 inches.

Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile circle radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer, which provided an area of consideration of 7,545 acres. With a potential annual recharge of 5.4 inches, and 75% of recharge available for appropriation, safe yield was determined to be 2,546.32 acre-feet. Existing water rights have appropriated 3,912.08 acre-feet, providing a difference of -865.31 acre-feet. **The application does not meet safe yield.** However, as mentioned previously, the groundwater pit has been in existence for several years and previously permitted under File Nos. 44,471 and 44,473, which authorized 91 acre-feet, without impairment of nearby wells and therefore a waiver of K.A.R. 5-3-11 and approval of the application, will have no additional impact to the groundwater supply.

Jeff Lanterman, Water commissioner for the Stafford Field Office, gave a recommendation that the new application should be approved, in an e-mail conversation on May 8, 2023.

Based on the above discussion, the area is open to new appropriations, a waiver of K.A.R. 5-3-11, and the 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.



**Analysis Results****\*DOES NOT MEET SAFE YIELD**

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 2,546.32 AF – 3,411.63 AF = (865.31)

Total prior appropriations in the circle is 3,658.63 AF – 247 AF = 3,411.63 AF

Total quantity of water available for appropriation is 0.00 AF.

**Safe Yield Variables**

The area used for the analysis is set at 7,545 acres.

The potential annual recharge at the circle center is estimated to be 5.4 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 11-MAR-2023 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 30 water rights and 40 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 2699 00	IRR	NK	G					3130	4650	01	30	01E	1	WR	174.00	174.00	300.00	300.00
Same	IRR	NK	G		SE	NW	SE	1450	168	35	29	01E	1	WR				
Same	IRR	NK	G		NE	NE	SE	2635	40	02	30	01E	5	WR				
A 2724 00	MUN	NK	G		NW	NE	SW	0	0	06	30	02E	2	PD	165.85	165.85		
Same	MUN	NK	G		NW	NE	SW	0	0	06	30	02E	1	PD	295.80	295.80		
A 5180 00	IRR	NK	G			NC	NW	3830	3580	18	30	02E	3	WR	90.00	90.00	128.00	128.00
A 5786 00	IRR	NK	G		NC	E2	NE	0	0	35	29	01E	2	WR	74.00	74.00	222.00	222.00
A 16544 00	IRR	NK	G			NC	NW	3849	4101	11	30	01E	7	PD	57.00	57.00	120.00	120.00
Same	IRR	NK	G		NC	NE	SE	1967	616	10	30	01E	2	PD	16.00	16.00		
A 30677 00	IRR	NK	G		NE	SW	NE	3949	2088	13	30	01E	8	WR	138.00	138.00	170.00	170.00
A 31078 00	IRR	NK	G		SW	SW	SW	360	4640	35	29	01E	4	WR	112.00	112.00	80.00	80.00
A 31260 00	IRR	NK	G		NE	SW	NE	3949	2088	13	30	01E	8	WR	72.00	72.00	170.00	0.00
A 31261 00	IRR	NK	G		NC	N2	NW	4630	4120	36	29	01E	1	PD	50.00	50.00	200.00	200.00
Same	IRR	NK	G		NC	S2	NW	3200	3860	36	29	01E	2	PD	37.00	37.00		
A 31685 00	IRR	NK	G		SE	NW	SE	1325	1396	12	30	01E	1	WR	153.00	153.00	102.00	102.00
A 31869 00	MUN	NK	G		SW	SW	SW	110	4916	36	29	01E	4	PD	90.95	0.00		
Same	MUN	NK	G		SW	SW	SW	110	4660	36	29	01E	3	PD	89.29	0.00		
A 32205 00	IRR	NK	G		SE	NE	SW	1540	3180	36	29	01E	5	WR	234.00	234.00	162.00	162.00
A 34563 00	IRR	NK	G		NE	NE	SW	2575	2656	14	30	01E	5	WR	54.00	54.00	156.00	156.00
A 34564 00	IRR	NK	G			NC	SW	1320	4000	11	30	01E	2	WR	178.00	178.00	134.80	134.80
A 36475 00	IRR	NK	G				NC	2643	2913	02	30	01E	4	WR	131.00	131.00	88.50	88.50
A 37597 00	IRR	NK	G		NW	SE	SW	1025	3855	11	30	01E	4	WR	24.00	24.00	135.00	0.00
A 39212 00	IRR	NK	G		NE	NE	SW	2575	2656	14	30	01E	5	WR	180.00	134.00	156.00	0.00
Same	IRR	NK	G		NE	NE	SW	2480	2750	14	30	01E	4	WR				
Same	IRR	NK	G		NE	NE	SW	2525	2802	14	30	01E	6	WR				

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
Same	IRR	NK	G		NE	NE	SW	2520	3000	14	30	01E	7	WR				
A 39449 00	IRR	NK	G		NE	SW	SE	1285	1376	11	30	01E	5	WR	113.00	113.00	75.00	75.00
A 40113 00	IRR	NK	G		SW	SE	NE	2970	940	07	30	02E	21	WR	108.00	108.00	72.00	72.00
V SU 2 00	MUN	AA	G		SE	SW	NE	0	0	06	30	02E	3	WR	168.79	168.79		
A 43167 00	IRR	NK	G		NE	SW	NW	3876	4262	08	30	02E	3	WR	121.00	121.00	160.00	160.00
Same	IRR	NK	G		SE	NW	NW	4142	4259	08	30	02E	4	WR				
Same	IRR	NK	G		NE	SW	NW	3585	4323	08	30	02E	10	WR				
Same	IRR	NK	G		NE	SW	NW	3851	4010	08	30	02E	12	WR				
Same	IRR	NK	G		NE	SW	NW	3864	4214	08	30	02E	13	WR				
A 44876 00	IND	KE	G		SW	NE	SW	1600	3780	01	30	01E	5	WR	244.99	244.99		
A 46012 00	REC	NK	G					936	850	36	29	01E	6	WR	13.33	13.33		
A 44472 D2	IND	LR	G			NC	SW	1347	3944	12	30	01E	3	WR	167.87	167.87		
A 49585 00	IRR	KE	G		SW	SW	SW	111	4915	08	30	02E	16	WR	285.00	285.00	272.50	272.50
A 49877 00	MUN	GY	G		SW	SW	SW	110	4660	36	29	01E	3	WR	630.44	0.00		
A 49883 00	MUN	GY	G		SW	SW	SW	110	4916	36	29	01E	4	WR	630.44	0.00		
<del>A 50515 00</del>	<del>IRR</del>	<del>AY</del>	<del>G</del>		<del>SW</del>	<del>SW</del>	<del>NW</del>	<del>2740</del>	<del>5278</del>	<del>13</del>	<del>30</del>	<del>01E</del>	<del>9</del>	<del>WR</del>	<del>208.00</del>	<del>208.00</del>	<del>160.00</del>	<del>49.00</del>
Same	IRR	AY	G		SW	SW	NW	3038	5278	13	30	01E	10	WR				
Same	IRR	AY	G		SW	SW	NW	3322	5278	13	30	01E	11	WR				
<del>A 50805 00</del>	<del>IRR</del>	<del>AY</del>	<del>G</del>		<del>NC</del>	<del>NW</del>	<del></del>	<del>3849</del>	<del>4101</del>	<del>11</del>	<del>30</del>	<del>01E</del>	<del>7</del>	<del>WR</del>	<del>39.00</del>	<del>39.00</del>	<del>30.00</del>	<del>30.00</del>
<del>A 50822 00</del>	<del>REC</del>	<del>AY</del>	<del>G</del>		<del>NW</del>	<del>NE</del>	<del>NW</del>	<del>4732</del>	<del>3723</del>	<del>12</del>	<del>30</del>	<del>01E</del>	<del>6</del>	<del></del>	<del>0.00</del>	<del>0.00</del>	<del></del>	<del></del>

## Limitations

File Number	Seq Num	Limitations
A 31260 00	1	1170GPM COM/W 30677
A 31869 00	2	205.43MGY COM/W #SU002 & 2724
A 39212 00	2	188AF/YR @ 600GPM COM/W #34563
A 49877 00	1	205.430 MGY COM/W #SU-2, #2724 & #31869
A 49883 00	1	205.430 MGY COM/W ##SU-2, #2724, #31869, & #49877

Kansas Department of Agriculture  
 Division of Water Resources  
**WAIVER REQUEST & WAIVER RULE WORKSHEET**

File Number: 50,646

FO: 2 GMD:

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
REC	5/16/2023	52	Statewide	Safe Yield	Yield of The Source Area Exceeded
Rule Number	Date Granted	Date Denied	Justification:	Proposed appropriation is a replacement for existing permits. Sand pit size and location are different than originally authorized and cannot be fixed with a change application.	
K.A.R. 5-3-10	7/10/2023				

**WAIVER RULE:**

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared 5/16/2023 By KAK

Date Entered 7/10/2023 By LMoody



# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., Chief Engineer

## WAIVER OF REGULATION K.A.R. 5-3-10 - Safe Yield


Date: July 10, 2023

Re: Application, File No. 50,646

1. That K.A.R. 5-3-10 states in part, that the approval of any new application to appropriate groundwater for beneficial use, shall not cause the safe yield of the source of water supply to be exceeded.
2. That the reference application contemplates the appropriation of groundwater for recreational use at the rate of natural evaporation from an existing groundwater pit.
3. That based on the safe yield calculation, when comparing precipitation recharge with existing appropriations, the area is considered to be fully appropriated.
4. That the groundwater pit was originally covered by Appropriation of Water, File Nos. 44,471 and 44,473, which were voluntarily dismissed in order that this new application could be approved.
5. That the project was not completed as authorized with the completed pit being approximately 6 acres larger than originally authorized, requiring an appropriation for slightly more water (10.5 acre-feet) than was originally permitted.
6. That the discrepancies between what was originally authorized and what was actually constructed cannot readily be addressed with the approval of a change application on the existing file, or by other administrative orders or actions.
7. That unlike other types of beneficial use of water, such as those with wells, pumpsites or dams, the evaporative loss of water from this existing groundwater pit cannot be easily curtailed, likewise the permit holder cannot take reasonable actions to modify the water use, and doing so could result in significant loss of investment and infrastructure.
8. That approving the application with a junior priority would bring the existing (as constructed) groundwater pit into compliance with the Kansas Water Appropriation Act.
9. That a waiver of safe yield would not prejudicially or unreasonably affect the public interest, nor result in direct impairment of existing water rights.

Comments:



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



# 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. 50,646** of the applicant

**IAN & MELISSA PARKER  
1457 N ESTFAN RD  
MULVANE KS 67110**

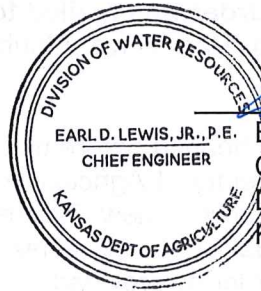
for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion 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 **September 10, 2021**.
2. That the water sought to be appropriated shall be used for recreation use in an existing groundwater pit with, with a maximum surface area of 71 acres, in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) and in Lot 6 of Section 1, and in Lots 1 and 2 of Section 12, all in Township 30 South, Range 1 East, Sumner County, Kansas, located substantially as shown on the topographic map accompanying the application.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a groundwater pit with a geographic center located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 12, more particularly described as being near a point 5,121 feet North and 2,159 feet West of the Southeast corner of said section, in Township 30 South, Range 1 East, Sumner 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 **natural evaporation** and to a quantity not to exceed **124.25 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 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.
12. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
13. 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.
14. That the groundwater pit shall be constructed, maintained, and operated in a manner that will prevent degradation to the water quality of the source of supply, which would cause impairment to existing water rights.

- 15. 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 10<sup>th</sup> day of July, 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 10 day of July, 2023, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings  
 Notary Public



## 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 \_\_\_\_\_ day of \_\_\_\_\_, 2023, I hereby certify that the attached Approval of Application and Permit to Proceed, File No. 50,646, dated \_\_\_\_\_, 2023, was mailed postage prepaid, first class, U.S. Mail to the following:

Original to:

IAN & MELISSA PARKER  
1457 N ESTFAN RD  
MULVANE KS 67110

Photocopy to:

KDA-DWR Stafford Field Office

---

DWR Staff

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



Phone: 620-234-5311  
Fax: 620-234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Mike Beam, Secretary

Laura Kelly, Governor

July 12, 2023

IAN & MELISSA PARKER  
1457 N ESTFAN RD  
MULVANE KS 67110

RE: Appropriation of Water  
File No. 50,646

Dear Mr. and Mrs. Parker:

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](http://www.kswaterusereport.org).

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](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 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 blue ink that reads "Kristen A. Baum".

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

KAB:kak:jne  
Enclosure(s)  
pc: Stafford 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:

- 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 12 day of July, 2023, I hereby certify that the attached Approval of Application and Permit to Proceed, File No. 50,646, dated July 10, 2023, was mailed postage prepaid, first class, U.S. Mail to the following:

Original to:

IAN & MELISSA PARKER  
1457 N ESTFAN RD  
MULVANE KS 67110

Photocopy to:

KDA-DWR Stafford Field Office

  
\_\_\_\_\_  
DWR Staff