



File No. **50,764**      13. County: **JA-Jackson** Basin: **Delaware River** Stream: **MUD CREEK TRIB 9 (DELAWARE)**  
 Structures File No: **DJA-366**      Aquifer Code:      Special Use Area:

14. Points of Diversion, Rates & Quantities										Qty		Rate		Storage Qty		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps	
<b>CHK</b>	<b>89436</b>	<b>NW</b>	<b>NW</b>	<b>NE</b>	<b>20</b>	<b>5S</b>	<b>16E</b>	<b>2</b>	<b>5185</b>	<b>1985</b>	<b>180</b>	<b>180</b>	<b>1200</b>	<b>1200</b>	<b>273.9</b>	<b>273.9</b>	<b>NF</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						NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps			
PUSE ID	S	T	R	ID		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE							
<b>CHK 70795</b>	<b>20</b>	<b>5S</b>	<b>16E</b>	<b>3</b>		<b>40</b>	<b>28</b>	<b>40</b>	<b>40</b>														<b>148</b>	<b>5a.</b>	<input type="checkbox"/>			
<b>CHK 70796</b>	<b>20</b>	<b>5S</b>	<b>16E</b>	<b>4</b>														<b>40</b>	<b>40</b>				<b>80</b>	<b>5b.</b>	<input type="checkbox"/>			
																										<input type="checkbox"/>		
																											<input type="checkbox"/>	
																											<input type="checkbox"/>	
																											<input type="checkbox"/>	

18. Point of Diversion and Place of Use Overlaps

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

**TO:** Files

**DATE:** July 11, 2024

**FROM:** Lloyd Hemphill

**RE:** Application, File No. 50,764

Andrew Renyer has filed the application referenced above for a permit to store 273.9 acre-feet of surface water in a reservoir at the rate of natural flows and to re-divert 180 acre-feet at the rate of 1,200 gallons per minute for irrigation use. The proposed point of diversion is a reservoir located in the Northeast Quarter (NE¼) of Section 20, Township 5 South, Range 16 East, Jackson County, Kansas on Mud Creek Trib 9 (Delaware River). No other files overlap this point of diversion. The point of diversion is owned by the applicant and the application was signed stating legal access to the point of diversion. The place of use (228 acres) is owned by the Andrew V and Sarah M Renyer Trust (applicant) and George B and Clela M Renyer as described on the irrigation use supplemental sheet.

The maximum allowable quantity for irrigation in Jackson County (per K.A.R. 5-3-24) is 228 (1 AF/ac X 228 ac. = 228 AF). The applicant has only requested a direct use quantity of 180 acre-feet. This quantity is reasonable in relation to the size of the pond, about 2 times the storage capacity.

The proposed structure was reviewed by DWR Water Structures Program staff, under WSN: DJA-366. The project was properly registered as a class A exempt dam and was determined non-jurisdictional. According to review by Janelle Phillips, this structure does not require any permitting as a stream obstruction or floodplain fill.

The quantities requested on the Water Appropriation application are justified as follows:

<b>1-yr Direct Use:</b>	180 AF
<b>Reservoir Capacity:</b>	87.3 AF
<b>Reservoir Surface Area:</b>	9.9 ac.
<b>Potential Evaporation:</b>	8 in/yr X 1ft/12 in X 9.9 ac. = 6.6 AF
<b>Storage Quantity:</b>	180 AF + 87.3 AF + 6.6 AF = 273.9 AF

Runoff computations were completed considering a normal precipitation of 36 inches, soil complex number of 76, and drainage area of approximately 260 acres. These calculations determined that the drainage basin will generate 315 acre-feet of runoff in 1 out of every five (5) years (a 20% chance). Therefore, the drainage area will provide the requested storage quantity.

Notification letters were sent to two downstream landowners on April 7, 2023. The stream does not extend upstream beyond the applicant's property, so no upstream landowners were notified. No responses were received. According to the WRIS database, there are three sediment control reservoirs and one irrigation use reservoir within a two-mile radius, all located on different tributaries. No senior water rights will be impaired with approval of this application.

The proposed point of diversion is located above the Minimum Desirable Streamflow (MDS) gage near Muscotah, KS so this permit will be subject to MDS administration and streamflow at this gage. A signed and notarized MDS form was received on July 11, 2024.

As allowed by K.S.A. 82a-706(c) an approved water flow meter shall be installed on the secondary diversion works (pump site) for this file. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

Nathan Westrup, Water Commissioner, Topeka Field Office, recommended in a July 15, 2024 e-mail that the referenced new application should be approved. Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water is reasonable, the dam has been registered and is exempt from permitting under the DWR Water Structures Program, and senior rights will not be impacted, it is recommended that the referenced new application be approved.

Lloyd Hemphill  
Environmental Scientist  
Topeka Field Office

## Hemphill, Lloyd [KDA]

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**From:** Westrup, Nathan [KDA]  
**Sent:** Monday, July 15, 2024 8:24 AM  
**To:** Hemphill, Lloyd [KDA]  
**Cc:** Johnson, Shaun [KDA]  
**Subject:** RE: Application, File No. 50,764: For Your Recommendation

Hey Lloyd,

I have no objection to approval.

I do have a question about the structures review: Do they normally assign a dam number (DJA-0366) when assessing whether or not it is jurisdictional?

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:** Hemphill, Lloyd [KDA] <Lloyd.Hemphill@ks.gov>  
**Sent:** Thursday, July 11, 2024 4:51 PM  
**To:** Westrup, Nathan [KDA] <Nathan.Westrup@ks.gov>  
**Subject:** Application, File No. 50,764: For Your Recommendation

Nate,

Will you provide your recommendation on Application, File No. 50764 (Andrew Renyer)?

This is a relatively basic storage and re-diversion irrigation project in Jackson County in the Delaware River basin.

Thanks,  
Lloyd

Lloyd Hemphill, Environmental Scientist  
Kansas Department of Agriculture  
Division of Water Resources, Topeka Field Office  
1131 SW Winding Rd, Suite 400  
Topeka, KS 66615  
Office: (785) 296-5733



## Hemphill, Lloyd [KDA]

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**From:** Phillips, Janelle [KDA]  
**Sent:** Tuesday, May 28, 2024 9:53 AM  
**To:** Hemphill, Lloyd [KDA]  
**Subject:** RE: DJA-366 (Application, File No. 50764)

It does not require any additional permitting.

Janelle Phillips, P.E.  
Water Structures Team Lead  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan KS 66502  
785-564-6656 - office  
785-307-8292 – cell  
Janelle.phillips@ks.gov

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**From:** Hemphill, Lloyd [KDA] <Lloyd.Hemphill@ks.gov>  
**Sent:** Tuesday, May 28, 2024 9:50 AM  
**To:** Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>  
**Subject:** DJA-366 (Application, File No. 50764)

Janelle,

The structure assigned WSN: DJA-0366 was determined to qualify for the low hazard exemption and is non-jurisdictional as a dam. Has it been reviewed as a stream obstruction/floodplain fill?

Thanks,  
Lloyd

Lloyd Hemphill, Environmental Scientist  
Kansas Department of Agriculture  
Division of Water Resources, Topeka Field Office  
1131 SW Winding Rd, Suite 400  
Topeka, KS 66615  
Office: (785) 296-5733

<b>PDFs</b>
<a href="#">Mean Annual Precipitation</a>
<a href="#">Soil Cover Complex</a>

Mean Annual Precip, in	<b>36</b>
Soil Cover Complex No.	<b>76</b>
Drainage Area, acres	<b>260</b>
<b>Runoff at 20% Chance, AF</b>	<b>315.57</b>

**DO NOT EDIT BELOW THIS LINE**

% Chance Firm Coefficients			
	50%	80%	90%
a	0.5317	0.1216	0.0527
b	1.0815	1.2538	1.3547

%Chance Firm	Runoff, in	Comp. Runoff, in
50%	4.64	<b>4.64</b>
80%	1.50	<b>1.48</b>
90%	0.79	<b>0.81</b>
20%		<b>14.56</b>

Std. Dev. 90%	1.38
Std. Dev. 80%	1.34
Avg	1.36

Mean annual runoff for CN = 75, inches	7.16
Mean annual runoff for CN = 80, inches	8.40
Interp. Mean annual runoff for CN = 76, inches	7.41



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. 50,764** of the applicant

**ANDREW V RENYER  
2381 128TH RD  
SABETHA, KS 66534**

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 **April 12, 2022**.

2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
20 - 5S - 16E	40	28	40	40									40	40			228

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary of Mud Creek, designated in the office of the Chief Engineer as Mud Creek Trib 9 (Delaware), not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **273.9 acre-feet** of water per calendar year in a reservoir created by a dam located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW¼ NW¼ NE¼) of Section 20, more particularly described as being near a point 5,185 feet North and 1,985 feet West of the Southeast corner of said section, in Township 5 South, Range 16 East, Jackson County, Kansas, to provide **180 acre-feet** of water as needed for direct irrigation use, to be withdrawn, released or otherwise diverted from the reservoir at a re-diversion rate of approximately **1,200 gallons per minute (2.67 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. That all re-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.

11. That an acceptable water flow meter shall be installed and maintained on the re-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).

12. 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.

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

14. 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.

15. That failure without cause to comply with the provisions of this 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 18 day of July, 2024, in Manhattan, Riley County, Kansas.

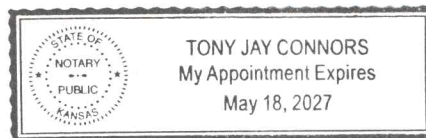
*Lane P. Letourneau*

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 18 day of July, 2024, 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

July 25, 2024

ANDREW V RENYER  
2381 128TH RD  
SABETHA KS 66534

RE: Appropriation of Water  
File No. 50,764

Dear Mr. Renyer:

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.

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 acceptable water flowmeter must be installed on the re-diversion works authorized by this permit 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. You may submit your report online for no fee at [www.kswaterusereport.org](http://www.kswaterusereport.org). Reports submitted in paper form will be assessed a \$20 per file number paper filing fee.

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 the 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 Application Unit Supervisor  
Division of Water Resources

KAB:kak:llh  
Enclosure(s)

pc: George B & Cleta M Renyer  
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

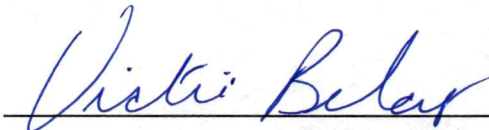
On this 25<sup>th</sup> day of July, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,764, dated July 18<sup>th</sup>, 2024, was mailed postage prepaid, first class, US mail to the following:

ANDREW V & SARAH M RENYER TRUST  
2381 128TH RD  
SABETHA, KS 66534

With photocopies to:

GEORGE B & CLETA M RENYER  
609 CASTLE ST  
SENECA KS 66538-1830

KDA-DWR Topeka Field Office

  
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Division of Water Resources