



File No. <b>50885</b>	13. County: <b>OT - OTTAWA</b> Basin: <b>Solomon River</b> Stream:
Structures File No:	Aquifer Code: <b>110/330 Recent / Dakota aquifer system (unconfined)</b> Special Use Area:

14. Points of Diversion, Rates & Quantities										Qty AF		Rate gpm		Storage Qty AF		Storage Rate	Overlaps
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)		Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps
<b>MOD</b>	<b>89835</b>	<b>SE SE NW</b>	<b>22</b>	<b>9S</b>	<b>4W</b>	<b>2</b>	<b>2846</b>	<b>2889</b>	<b>GEOCENTER</b>	<b>208</b>	<b>208</b>	<b>800</b>	<b>800</b>				
<b>ENT</b>	<b>91248</b>	<b>SE SE NW</b>	<b>22</b>	<b>9S</b>	<b>4W</b>		<b>2696</b>	<b>2739</b>	<b>BATT 1 OF 4</b>								
<b>ENT</b>	<b>91249</b>	<b>SE SE NW</b>	<b>22</b>	<b>9S</b>	<b>4W</b>		<b>2996</b>	<b>2739</b>	<b>BATT 2 OF 4</b>								
<b>ENT</b>	<b>91250</b>	<b>SE SE NW</b>	<b>22</b>	<b>9S</b>	<b>4W</b>		<b>2996</b>	<b>3039</b>	<b>BATT 3 OF 4</b>								
<b>ENT</b>	<b>91251</b>	<b>SE SE NW</b>	<b>22</b>	<b>9S</b>	<b>4W</b>		<b>2696</b>	<b>3039</b>	<b>BATT 4 OF 4</b>								

**BATT ID 2420**

15. Limitations	<b>NEW</b> Type:	Quantity:	<b>AF</b> Rate:	<b>gpm</b> combined with file no(s):
	<b>NEW</b> Type:	Quantity:	<b>AF</b> Rate:	<b>gpm</b> combined with file no(s):

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

17. Place of Use																		Total	Owner(s)	Chg?	Overlaps					
PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼									
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE						
<b>MOD</b>	<b>70092</b>	<b>22</b>	<b>9S</b>	<b>4W</b>	<b>1</b>					40	40	40	40										160.00	<b>5B</b>	<input checked="" type="checkbox"/>	
																							0.00		<input type="checkbox"/>	
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18. Point of Diversion and Place of Use Overlaps	
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# MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

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Date: September 12, 2024

From: Colin Barclay, Environmental Scientist

Re: New Application File No. 50,885 – Daniel Ablard, Ablard farms INC

## Summary

Daniel Ablard filed the above referenced application to appropriate 208 acre-feet of groundwater, at a rate of 800 gallons per minute. The proposed point of diversion would be a battery of four (4) wells located near the town of Delphos in Ottawa County, Kansas. The place of use is fully owned by the applicant, and they have signed the application form affirming legal access to the point of diversion. The proposed place of use is 160 acres of farm ground.

## Reasonable Rate and Quantity

Quantity of water requested is 208 acre-feet at a rate of 800 gallons per minute for a proposed place of use of 160 acres. Quantity requested appears to be reasonable as it is the maximum quantity of water allowed at 1.3 acre-feet per acre in Ottawa County, Kansas as per K.A.R. 5-3-24. The rate requested appears to be reasonable as defined by K.A.R. 5-1-1(n).

## Source of Supply and Safe Yield

The source of supply for the proposed point of diversion appears to be the alluvial aquifer and the unconfined Dakota aquifer found underlying the alluvium. 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 8,042 acres. With a potential annual recharge of 2.5 inches, and 75% of recharge available for appropriation, safe yield was determined to be 1,256.64 acre-feet. Existing water rights have appropriated 270.8 acre-feet, providing a difference of 985.84 acre-feet available for appropriation, and the application requesting 208 acre-feet complies with safe yield. A Theis analysis has been performed to attempt to quantify any potential drawdown impacts on nearby wells and is discussed further in the recommendations section.

## Nearby Water Rights

No appropriated wells were found to be within one-half ( $\frac{1}{2}$ ) mile of the proposed point of diversion. Two (2) possible nearby domestic wells were found through aerial imagery to be within one-half ( $\frac{1}{2}$ ) mile of the proposed point of diversion. The proposed point of diversion meets well spacing requirements as the nearest known domestic well is roughly 3,000 feet away and the nearest nondomestic well (V-OT-2) is located roughly 1.05 miles away. Per the requirements of K.A.R. 5-4-4 for the unconfined Dakota aquifer, the minimum well spacing should be one-quarter ( $\frac{1}{4}$ ) mile to all other non-domestic wells and one-quarter mile ( $\frac{1}{4}$ ) mile to domestic wells sharing the common source of supply.

Two (2) nearby well notification letters were sent out on May 31, 2024. Five (5) written comments from four (4) concerned persons were received during the comment period. All written comments showed strong opposition to the approval of the above referenced application and are listed below.

One comment was received from the lawyer for the City of Delphos who expressed concern for the city well (V-OT-2) located 1.05 miles away. In a phone call with the lawyer, he believed the state of Kansas was no longer issuing permits for new irrigation wells. A request was made to submit well depths and a well log for the city wells if available. A spreadsheet of well depths was submitted with the written comment however, it appears the

spreadsheet contains depth to groundwater only. It is unknown which of the three wells within the spreadsheet is the closest to the proposed point of diversion. In addition, it is also unknown how deep the city well is. Nearby well logs indicate that shale is found at roughly 42-46 feet deep, indicating the closest city well is most likely only sourcing the alluvial aquifer. The data submitted appears to show that groundwater has been decreasing by up to four (4) feet across all three of the city wells, however the data only begins in August of 2020. Without more data this could be considered as a reasonable fluctuation of the groundwater in this area. In addition, the applicants proposed point of diversion is located 1.05 miles to the South, with adequate well spacing and safe yield, and after the Theis analysis, impairment appears unlikely.

One comment was received from Mr. and Mrs. Klein, who received one of the two original notification letters. Their written comment expressed concern for their domestic well as they do not have access to a rural water district. They believe the quantity requested is excessive and worry for the depletion of the aquifer, contamination of the aquifer, and subsidence. However, their domestic well appears to be close to one-half mile away from the applicants proposed point of diversion. With adequate well spacing and safe yield within the two-mile circle, and after the Theis analysis, impairment appears unlikely.

One comment was received from, Jeff McHenry, who received one of the two original notification letters. In a phone call with Kris Neuhauser, Jeff expressed concerns for runoff onto his property. In his written comment, Jeff proposes speaking with someone from the Division of Water Resources at the proposed site. In addition, he requests to be notified of any decisions made.

Two (2) written comments were received from Tomothy and Debra Peters who are an adjacent landowner who own and farm the adjoining field to the applicants place of use. In addition, they also tenant farm Mr. and Mrs. Kleins ground. They are concerned for the possible impact the above referenced application could have on the groundwater available for their current irrigation of approximately 250 to 300 acres of ground. However, no wells were found on the KGS WWC5 website and no nearby water rights were found to be located on or near their property. The source of the water used for their irrigation is unknown.

## Recommendations

Per a request by Kelly Stewart, Water Commissioner of the Stockton Field Office, a Theis analysis was performed to determine the potential impact the applicant's battery of wells might have on the existing nearby domestic and city water wells. Drawdown was evaluated at the four nearest domestic wells and the municipal well authorized by File No. 6522 and V-OT-2. A practical saturated thickness of 23.1 feet was used when calculating the net drawdown as a percentage of saturated thickness. The net drawdown at the nearest well was found to be .43 feet or 1.9% of the practical saturated thickness. At the farther municipal well the potential net drawdown of the applicants well was found to be a negligible amount.

The application was sent for consideration to Kelly Stewart, Water Commissioner of the Stockton Field Office, and recommended for approval in an e-mail dated September 12, 2024.

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

Colin Barclay  
Environmental Scientist  
Water Appropriation Program

## RE: 50885 review and recommendation request

Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>

Thu 9/12/2024 11:18 AM

To: Barclay, Colin [KDA] <Colin.Barclay@ks.gov>; Billinger, Mark [KDA] <Mark.Billinger@ks.gov>

Cc: Hageman, Nancy [KDA] <Nancy.Hageman@ks.gov>

Colin,

I have no objection to the approval of this application. Thanks for running this by Tech Services.

Kelly

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**From:** Barclay, Colin [KDA] <Colin.Barclay@ks.gov>

**Sent:** Wednesday, September 11, 2024 2:03 PM

**To:** Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Billinger, Mark [KDA] <Mark.Billinger@ks.gov>

**Subject:** Re: 50885 review and recommendation request

Kelly and Mark,

I have attached my updated memo and the results of the Theis analysis performed by Tech Services.

Per Steven,

"Attached are the excel spreadsheets and report for the Theis analysis for Daniel Ablard's new app 50885. The average practical ST is 23.1 ft, and the max 1 year drawdown calculated was 0.43 ft or 1.9% of the practical ST. The proposed location for this file is less than one mile away from the Solomon River, however the positive recharge affects from the nearby Solomon were determined to be negligible."

I tried to incorporate as much information from the analysis into my memo, primarily under the recommendations section.

Please let me know if you have any questions.

Colin

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**From:** Stewart, Kelly <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>

**Sent:** Thursday, July 18, 2024 9:38 AM

**To:** Barclay, Colin [KDA] <[Colin.Barclay@ks.gov](mailto:Colin.Barclay@ks.gov)>; Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto:Mark.Billinger@ks.gov)>

**Subject:** RE: 50885 review and recommendation request

Colin,

Given the amount of concerns/objections received by the nearby well owners, I think it would be best to have tech services review this application and make a determination if impairment is likely. It does appear that most domestic wells in the area are relatively shallow (alluvial) and the proposed 50,885 has drilled quite a bit deeper (test hole log). It would be nice to know if the applicant intends to screen both the alluvium and Dakota or just the Dakota. Perhaps if he was only screening the Dakota, it might not be an issue to nearby well owners.

Please run this by tech services before we wrap this one up.

Kelly

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**From:** Barclay, Colin [KDA] <[Colin.Barclay@ks.gov](mailto:Colin.Barclay@ks.gov)>

**Sent:** Thursday, July 18, 2024 9:20 AM

**To:** Stewart, Kelly <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>; Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto:Mark.Billinger@ks.gov)>

**Subject:** 50885 review and recommendation request

Kelly and Mark,

I have attached the draft memo and safe yield report for 50,885. This is an unconfined Dakota app located in Ottawa County near the city of Delphos. This application generated a lot of feedback from the public. There were two possible nearby wells within a half mile. I sent out two letters and got five written responses back. I have documented all of the comments in my memo.

Please let me know if you need anything else.

Thank you!

Colin Barclay

Environmental Scientist

Division of Water Resources

Kansas Department of Agriculture

Phone: (785) 564-6628

[Colin.Barclay@ks.gov](mailto:Colin.Barclay@ks.gov)

# Property Details for PID: 0720452200000002000

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Shareable link to Property Information :	<a href="https://www.kansasgis.org/orka/permalinkprop.cfm?parcelid=0720452200000002000">https://www.kansasgis.org/orka/permalinkprop.cfm?parcelid=0720452200000002000</a>
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Shareable link to Map:	<a href="https://www.kansasgis.org/orka/permalink.cfm?parcelId=0720452200000002000">https://www.kansasgis.org/orka/permalink.cfm?parcelId=0720452200000002000</a>
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QuickRef ID :	R1042
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Owner Name :	ABLARD, DENNIS J AND JAMI R TRUST dtd 09/26/2017
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Location:	00000 UTE RD, Delphos, KS 67436
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Abbreviated Boundary Description:	S22, T09, R04W, ACRES 158.2, NW 1/4 EXC RD ROW
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## Owner Information:

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Owner	ABLARD, DENNIS J AND JAMI R TRUST dtd 09/26/2017 ABLARD FARMS, INC ABLARD, INC
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Mailing Address	2136 N 90th RD DELPHOS, KS 67436
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## Property Information:

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Type	Agricultural Use
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Status	Active
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Taxing Unit	041 - SHRD T. USD239, CM14,FD3
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Neighborhood Code	013.D
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**No Secondary Address Details found**

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S. Thurlow  
9/10/2024

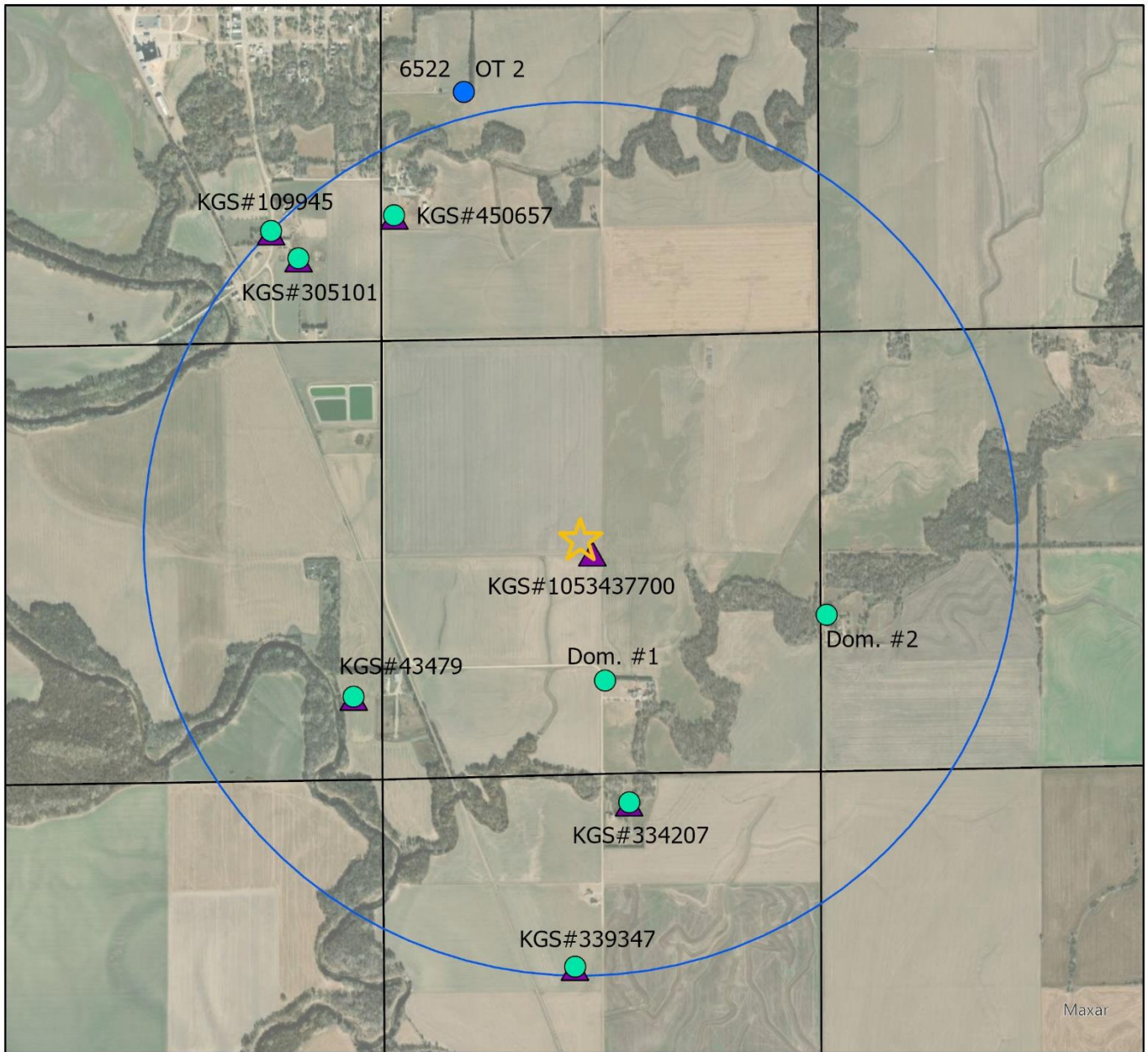
**Theis evaluation of proposed new application, File No. 50885**

A 1-year Theis analysis was used to evaluate the potential increase in dynamic drawdown as a result of the proposed creation of the new battery of wells authorized by File No. 50885. The geo-center of the proposed battery is approximately 2,846 feet North and 2,889 feet West of the Southeast corner of Township 9 South, Range 4 West, Section 22 (Figure 1).

The average water table elevation and saturated thickness were estimated based on lithological logs from the Kansas Geological Survey's Water Well Completion Records Database (WWC5). WWC5 records within one mile of the proposed location were used. Records that were within that area but did not include lithological data, were not drilled to bed rock, or had poor lithological descriptions were excluded. Hydraulic conductivity (K) and specific Yield (Sy) assumptions were based on the tabulated values from the U.S. Geological Survey (Figure 2) (USGS, 1985). In all, seven lithological logs were evaluated with an average transmissivity of 1,204 square feet per day and an average specific yield of 0.195. The aquifer is assumed to be unconfined, and the average specific yield values were used for an assumed storativity value. The average practical saturated thickness (23.1 ft) was used when calculating the net drawdown as a percentage of saturated thickness.

Drawdown was evaluated at the four nearest domestic wells located in Township 9 South, Range 4 West, Sections 21, 22, 23, and 27, and also at the municipal well authorized by File No. 6522 and OT 2 (Table 1). A quantity of 208 acre-feet (AF) at a rate of 800 gallons per minute (gpm) was used in the evaluation. The maximum 1-year drawdown occurred at Domestic Well #1 1,736 ft away in Section 9S-4W-22. The net drawdown at this well was 0.43 feet, or 1.9% of the practical saturated thickness (Table 1).





-  Proposed Location
-  Point of Diversion
-  Domestic Well
-  WWC5 Well Log
-  1-Mile Radius Buffer
-  PLSS Section

0 0.25 0.5 1 Miles



Kansas Department of Agriculture  
 Division of Water Resources  
 September 10, 2024

**Figure 1:** Proposed location, surrounding points of diversion, and domestic wells

Table 3.--Driller's lithologic descriptions and assigned values of hydraulic conductivity and specific yield

[Modified from Gutentag and others, 1984]

Driller's lithologic description	Assigned hydraulic conductivity (feet per day)	Assigned specific yield (dimensionless)
Clay	5	0.03
Silty clay	5	.03
Sandy clay	10	.05
Clay with sand and gravel	15	.08
Clay and sandstone	10	.05
Limestone (caliche)	10	.05
Limestone and sand	30	.10
Sand	70	.23
Fine sand	50	.21
Fine-medium sand	70	.23
Fine-coarse sand	80	.25
Medium sand	80	.25
Medium-coarse sand	85	.25
Coarse sand	90	.24
Clayey sand	50	.20
Cemented sand or loose sandstone	30	.10
Silty sand	50	.20
Sand and gravel	160	.25
Cemented sand and gravel	30	.10
Clayey sand and gravel	100	.17
Silty sand and gravel	100	.17
Sandstone and sand	50	.20
Tight sandstone	10	.05
Silt	10	.05
Clayey silt	5	.03
Sandy silt	10	.05
Silt with gravel	15	.08
Soil, overburden, and road-fill	5	.03

Figure 2: Hydraulic conductivity values (USGS, 1985)

**Table 1:** Theis drawdown evaluated at nearby wells; T = 1,204 ft<sup>2</sup>/day, S = 0.195

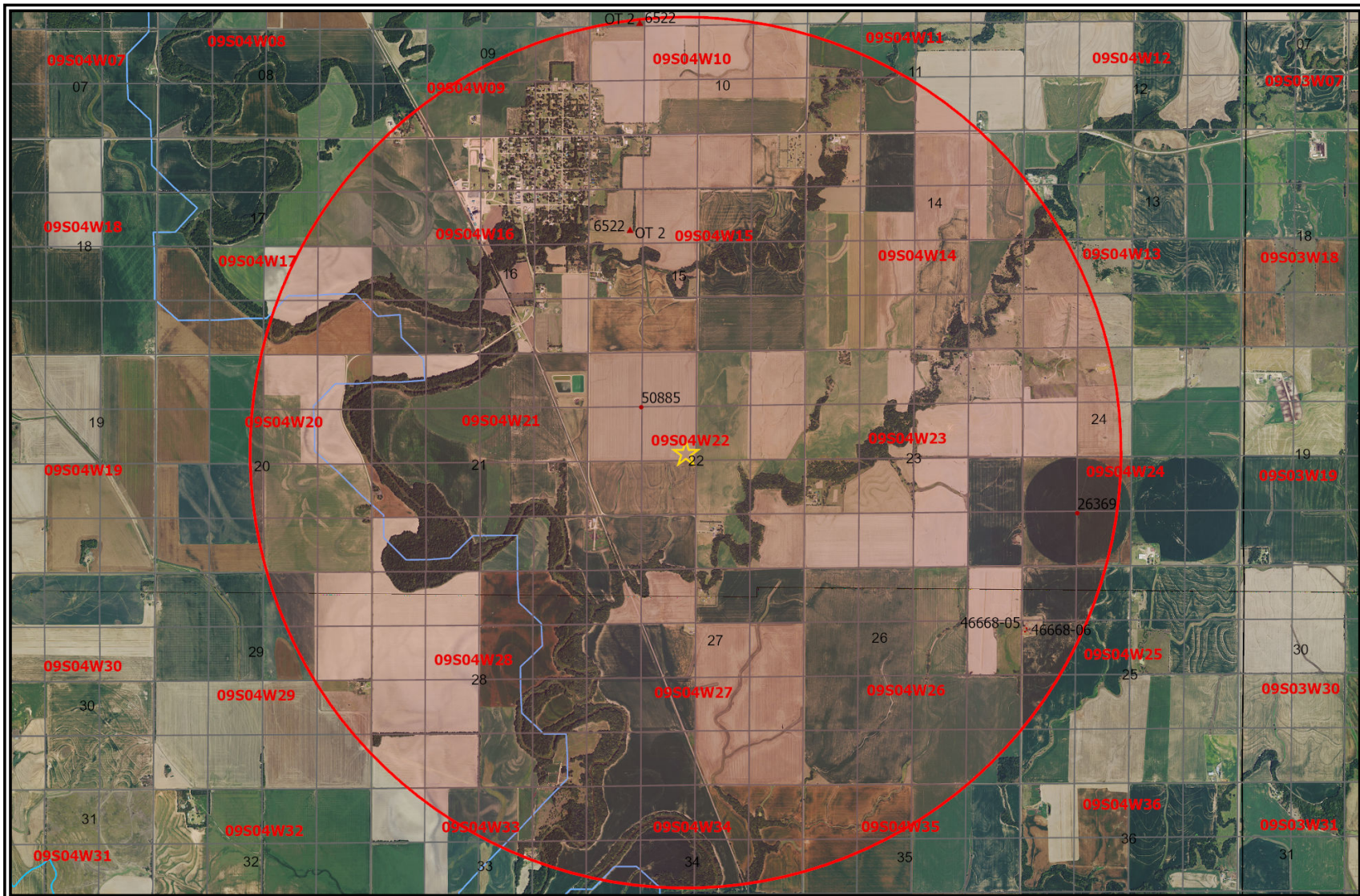
Nearby Well	Distance (FT)	Pump Rate (GPM)	Volume (AF)	Drawdown (FT)	Drawdown (%ST)
Dom. #1	1735.9	800.0	208.0	0.43	1.87%
Dom. #2	3109.7	800.0	208.0	0.00	0.01%
KGS#334207	3235.0	800.0	208.0	0.00	0.00%
KGS#43479	3337.5	800.0	208.0	0.00	0.00%
OT 2 & 6522	5585.1	800.0	208.0	0.00	0.00%

## References

United States Geological Survey (USGS). (1985). *Geohydrology of the High Plains Aquifer, Western Kansas*. Report 85-4198. Table 3.



**Safe Yield Report Sheet**  
**Water Right- Proposed Point of Diversion**  
**Point of Diversion in 22-09S-04W**  
**Footages from SE corner- 2,846 feet North 2,889 feet West**



# Analysis Results

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

The safe yield based on the variables listed below is 1,256.64 AF.

Total prior appropriations in the circle is ~~478.80 AF~~. **270.8 AF**

Total quantity of water available for appropriation is ~~777.84 AF~~. **985.84 AF**    **50885 meets safe yield for an additional 208 AF**

## Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 2.5 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 28-MAY-2024 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 4 water rights and 4 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 6522 00	MUN	NK	G			NC	W2	2700	4040	10	09	04W	1	PD	5.28	5.28			
Same	MUN	NK	G		SE	SW	NW	2950	4250	15	09	04W	1	PD	33.45	33.45			
A 26369 00	IRR	NK	G			NC	SW	1300	3960	24	09	04W	1	WR	140.00	140.00	132.00	132.00	
V OT 2 00	MUN	AA	G			NC	W2	2700	4040	10	09	04W	1	WR	92.07	92.07			
Same	MUN	AA	G		SE	SW	NW	2950	4250	15	09	04W	1	WR					
A 50885 00	IRR	AY	G				NW	3960	3960	22	09	04W	2	WR	208.00	<del>208.00</del>	<b>-208.00</b>	160.00	160.00



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. 50,885** of the applicant

**DANIEL ABLARD  
ABLARD FARMS INC  
519 LAUREL ST  
MINNEAPOLIS, KS 67467**

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 11, 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	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
22 - 9S - 4W					40	40	40	40									160

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells with a geographical center located in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 22, more particularly described as being near a point 2,846 feet North and 2,889 feet West of the Southeast corner of said section, in Township 9 South, Range 4 West, Ottawa 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 **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **208 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 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 required 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 this permit is further limited such that all four (4) wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply, shall be limited to a total maximum diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** and shall supply water to a common distribution system.

18. 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 *20th* day of *September*, 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 *20th* day of *September*, 2024, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

*[Handwritten Signature]*  
\_\_\_\_\_

Notary Public

