

File No. 50,911	13. County: JF-Jefferson Basin: Kansas River Stream:																								
Structures File No:	Aquifer Code: 113 Main stem alluvium										Special Use Area:														
14. Points of Diversion, Rates & Quantities																									
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Qty AF		Rate gpm		Storage Qty		Storage Rate		Overlaps								
Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps																		
MOD 89915	SE SE NE	35	11S	18E	9	2800	90		117	117	1,200	1,200													
HYPOTHETICAL SEC 35 IN KAW HALF-BREED INDIAN LAND SURVEY #20 [please correct]																									
15. Limitations Type: Quantity: Rate: combined with file no(s): Type: Quantity: Rate: combined with file no(s):																									
16. Metering <input checked="" type="checkbox"/> Metering Required <input type="checkbox"/> Anti-Reverse Required <input type="checkbox"/> 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					
MOD 57637	26	11S	18E	6																13		13	5a	<input type="checkbox"/>	
MOD 71130	35	11S	18E	8		9	3.5	38.5									26.5					77.5	5a	<input type="checkbox"/>	
MOD 71131	36	11S	18E	7							2.5			24								26.5	5a	<input type="checkbox"/>	
																								<input type="checkbox"/>	
IN KAW HALF-BREED INDIAN LAND SURVEY #20 [please correct]																							<input type="checkbox"/>		
IN KAW HALF-BREED INDIAN LAND SURVEY #20 [please correct]																							<input type="checkbox"/>		
18. Point of Diversion and Place of Use Overlaps																									
* + # ^																			** ++ ## ^^						

KANSAS DEPARTMENT OF AGRICULTURE

Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: August 1, 2024

FROM: Lloyd Hemphill

RE: Application, File No. 50,911

Richard Shermoen, on behalf of RCS Properties LLC, has filed the referenced new application requesting to appropriate 117 acre-feet of groundwater at a rate of 1,200 gallons per minute for irrigation use on 117 acres. The well will be in the Kansas River Basin, in the Southeast Quarter of the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of hypothetical Section 35, Township 11 South, Range 18 East, in Kaw Half Breed Indian Land Survey No. 20, Jefferson County. The proposed place of use includes 117 acres in hypothetical Sections 26, 35, & 36, all in KHBIL Survey No. 20. The applicant owns all of the land associated with the place of use and point of diversion. The application was signed indicating legal access to the point of diversion. No other files overlap this project.

The proposed place of use includes 117 acres. The reasonable quantity for irrigation of standard crops on this acreage in Jefferson County is 117 acre-feet (117 acres x 1 AF/acre = 117 AF), per K.A.R. 5-3-23. This application has proposed to appropriate the full quantity. The requested rate of 1,200 gallons per minute appears reasonable for this project.

Two domestic wells and two irrigation wells within one-half mile of the proposed point of diversion were identified on the application. Nearby notification letters were sent on June 14, 2024 to the well owners. No response was received. The proposed well is located over $\frac{1}{4}$ mile from the Kansas River, so no notification of the KRWAD is required.

The WRIS database shows 35 water rights and permits within two miles of the proposed point of diversion (30 points of diversion). The nearest non-domestic water right (File No. 46,606) is located about 1,319 feet away. The proposed well does not meet the required spacing of 1,320 feet, but the difference is within the margin of error for the measuring tools used by DWR. Furthermore, the existing water right is owned by the applicant. The nearest domestic well is located about 1,500 feet away, which complies with the minimum spacing of 660 feet, per K.A.R. 5-4-4. The proposed well is not expected to impair existing water rights.

Although no well log was submitted with this application, it is reasonable to determine that the source of water is the Kansas River alluvial aquifer based on the well's proximity to the river and review of geologic maps. Nearby well logs show about 15 to 20 feet of silt or clay at the surface, underlain by 60 feet of sand and gravel. The texture of the sand and gravel formation is variable but tends to coarsen with depth. Shale bedrock is present at about 80 feet depth on one nearby well log. Reported static water levels are typically within a few feet from the top of the sand formation. Absent of any more specific information and given that the material overlaying the aquifer is thin and shallow, it is reasonable to assume that the aquifer acts as an unconfined system for the purpose of a safe yield analysis.

Per K.A.R. 5-3-11, the calculated recharge in the Kansas River Alluvium is 25% of the average annual rainfall over the area of consideration (extent of the alluvium). The amount of recharge available for appropriation is 75%. For this application, the potential annual recharge is 9.2 inches and the extent of the alluvium is 5,508 acres. Based on these values, safe yield was determined to be 3,167 acre-feet. Existing water rights have appropriated 2,359.75 acre-feet, leaving 807.24 acre-feet of water available and the application complies with safe yield criteria.

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 these permits, check valves will also need to be installed.

Nathan Westrup, Water Commissioner, Topeka Field Office, recommended in an July 31, 2024 e-mail that the referenced new application should be approved. Based on the above discussion, the provisions of K.A.R. 5-4-4 (well spacing) are met, safe yield criteria are met, and approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced new application be approved.

Lloyd Hemphill
Environmental Scientist
Topeka Field Office

Hemphill, Lloyd [KDA]

From: Westrup, Nathan [KDA]
Sent: Wednesday, July 31, 2024 3:26 PM
To: Hemphill, Lloyd [KDA]
Subject: RE: Application, File No. 50911: For Your Recommendation

Lloyd,

I am curious how he will irrigate 38.5 acres in the SE NE of Sec 35, but I have no objection to approval.

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

From: Hemphill, Lloyd [KDA] <Lloyd.Hemphill@ks.gov>
Sent: Wednesday, July 31, 2024 2:54 PM
To: Westrup, Nathan [KDA] <Nathan.Westrup@ks.gov>
Subject: Application, File No. 50911: For Your Recommendation

Nate,

Will you provide your recommendation for Application, File No. 50911 (RCS Properties)?

This is a basic irrigation well in the Kansas River alluvium in JF CO.

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

Water Rights and Points of Diversion Within 2 miles of point defined as:

2800 Feet N and 90 Feet W of the Southeast Corner of Section 35 Twp 11S Rng 18E

Located at: 95.372914 West Longitude and 39.051740 North Latitude

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 7169	00	IRR	NK	G	7906	--	SE	NE	SW	1467	2854	31	11	19E	2		54.00	54.00	AF
A__ 14806	00	MUN	NK	G	7575	--	SW	NW	NE	4427	2113	25	11	18E	7	B2	8.13	8.13	AF
Same					7668	--	SE	NW	NE	4420	1888	25	11	18E	5	G2			
Same					7766	--	SE	NW	NE	4413	1664	25	11	18E	6	B2			
A__ 19352	00	MUN	NK	G	7575	--	SW	NW	NE	4427	2113	25	11	18E	7	B2	39.90	31.92	AF
Same					7668	--	SE	NW	NE	4420	1888	25	11	18E	5	G2			
Same					7766	--	SE	NW	NE	4413	1664	25	11	18E	6	B2			
A__ 32618	00	MUN	NK	G	7886	--	NW	SW	NE	3958	2615	34	11	18E	2	B2	62.08	62.08	AF
Same					7990	--	SE	NE	NW	3984	2715	34	11	18E	4	G2			
Same					8093	--	SE	NE	NW	4010	2815	34	11	18E	3	B2			
A__ 34906	00	MUN	NK	G	10163	--	NE	NE	SW	2088	2784	23	11	18E	1	G2	69.82	69.82	AF
Same					10350	--	NE	NE	SW	2201	3068	23	11	18E	5	B2			
Same					10543	--	NW	NE	SW	2314	3351	23	11	18E	2	B2			
A__ 34907	00	MUN	NK	G	10163	--	NE	NE	SW	2088	2784	23	11	18E	1	G2	68.05	66.72	AF
Same					10350	--	NE	NE	SW	2201	3068	23	11	18E	5	B2			
Same					10543	--	NW	NE	SW	2314	3351	23	11	18E	2	B2			
A__ 35143	00	MUN	NK	G	7575	--	SW	NW	NE	4427	2113	25	11	18E	7	B2	17.32	17.32	AF
Same					7668	--	SE	NW	NE	4420	1888	25	11	18E	5	G2			
Same					7766	--	SE	NW	NE	4413	1664	25	11	18E	6	B2			
A__ 39385	00	IRR	NK	G	5497	--	SW	SE	NE	2935	1223	26	11	18E	3		51.00	51.00	AF
A__ 39521	00	IRR	NK	G	9705	--	SW	NW	SE	1772	2156	23	11	18E	3		43.00	43.00	AF
A__ 40617	00	IRR	NK	G	7152	--	NE	NW	NW	4638	4174	25	11	18E	4		25.00	25.00	AF
A__ 41447	00	IRR	NK	G	5696	--	SE	NW	SW	1376	4304	26	11	18E	4		20.00	20.00	AF
A__ 41477	00	IRR	NK	G	9010	--	SW	NW	SE	1795	2627	30	11	19E	1		85.00	85.00	AF
A__ 41857	00	MUN	LR	G	9657	--	SW	SW	NE	2930	2550	30	11	19E	2		290.62	274.94	AF
A__ 43059	00	MUN	NK	G	7575	--	SW	NW	NE	4427	2113	25	11	18E	7	B2	170.68	113.31	AF
Same					7668	--	SE	NW	NE	4420	1888	25	11	18E	5	G2			
Same					7766	--	SE	NW	NE	4413	1664	25	11	18E	6	B2			
A__ 43361	00	IRR	NK	G	7904	--	E2	SW		695	3326	30	11	19E	3		33.00	33.00	AF
A__ 44848	00	MUN	LR	G	7886	--	NW	SW	NE	3958	2615	34	11	18E	2	B2	143.38	81.29	AF
Same					7990	--	SE	NE	NW	3984	2715	34	11	18E	4	G2			
Same					8093	--	SE	NE	NW	4010	2815	34	11	18E	3	B2			
A__ 45411	00	IRR	NK	G	7906	--	SE	NE	SW	1467	2854	31	11	19E	2		36.00	36.00	AF
A__ 45708	00	IRR	NK	G	2221	--	--	--	--	3906	3437	36	11	18E	3		55.00	55.00	AF
A__ 45709	00	IRR	NK	G	3374	--	SW	NW	SE	1848	2122	36	11	18E	4		98.00	98.00	AF
A__ 45813	00	IRR	NK	G	6910	--	SW	NE	NW	4112	3854	31	11	19E	3		102.00	102.00	AF
A__ 45814	00	IRR	NK	G	5414	--	SE	NE	SE	1589	82	36	11	18E	5		110.00	110.00	AF
A__ 45815	00	IRR	NK	G	9705	--	SW	NW	SE	1772	2156	23	11	18E	3		85.00	42.00	AF
A__ 46406	00	IRR	NK	G	1319	--	SE	SW	NE	3132	1368	35	11	18E	4		83.00	83.00	AF
A__ 46663	00	IRR	NK	G	3374	--	SW	NW	SE	1848	2122	36	11	18E	4		224.00	126.00	AF
A__ 47286	00	IRR	NK	G	10067	--	SW	NE	SW	1677	3718	23	11	18E	4		9.70	9.70	AF
A__ 47719	00	IRR	LR	G	4842	--	SW	NW	NW	4470	4635	35	11	18E	5		147.00	147.00	AF
A__ 47947	00	IRR	MM	G	2935	--	SW	SE	SE	415	758	26	11	18E	7		67.00	67.00	AF
A__ 47993	00	IRR	NK	G	5548	--	NW	NW	SE	2516	2569	26	11	18E	8		17.00	17.00	AF
A__ 48055	00	IRR	NK	G	5497	--	SW	SE	NE	2935	1223	26	11	18E	3		87.00	36.00	AF
A__ 48304	00	IRR	LR	G	9010	--	SW	NW	SE	1795	2627	30	11	19E	1		40.00	40.00	AF
A__ 48750	00	IRR	LO	G	10128	--	SW	NW	NE	4580	2170	27	11	18E	5		113.00	113.00	AF
A__ 49507	00	IND	MM	G	3266	--	NW	NW	NE	4992	2515	35	11	18E	8		6.14	6.14	AF
A__ 50091	A	IND	KE	G	3266	--	NW	NW	NE	4992	2515	35	11	18E	8		30.69	30.69	AF
A__ 50345	00	IRR	LO	G	7799	--	NE	SW	NW	3756	4105	6	12	19E	5		130.00	.00	AF
A__ 50526	00	IRR	KE	G	2935	--	SW	SE	SE	415	758	26	11	18E	7		126.00	59.00	AF
A__ 50911	00	IRR	AY	G	0	--	SE	SE	NE	2800	90	35	11	18E	9		117.00	117.00	AF
A__ 50935	00	IRR	AY	G	5696	--	SE	NW	SE	1376	4304	26	11	18E	4		55.00	.00	AF
T__ 20119462	00	CON	GY	G	9128	--	NW	NW	NW	5214	5055	26	11	18E	6		40.30	40.30	AF
T__ 20149079	SU	IND	GY	G	2320	--	SW	SW	NE	2850	2410	35	11	18E	6		77.50	77.50	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	117.00	.00
Total Permitted Amount (AF) =	207.49	.00
Total Inspected Amount (AF) =	656.24	.00

Total Pro_Cert	Amount (AF) =	73.14	.00
Total Certified	Amount (AF) =	1395.00	.00
Total Vested	Amount (AF) =	.00	.00
TOTAL AMOUNT	(AF) =	2448.86	.00

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2 miles of point defined as:

2800 Feet North and 90 Feet West of the Southeast Corner of Section 35 Twp 11S Rng 18E
 Located at: 95.372914 West Longitude and 39.051740 North Latitude

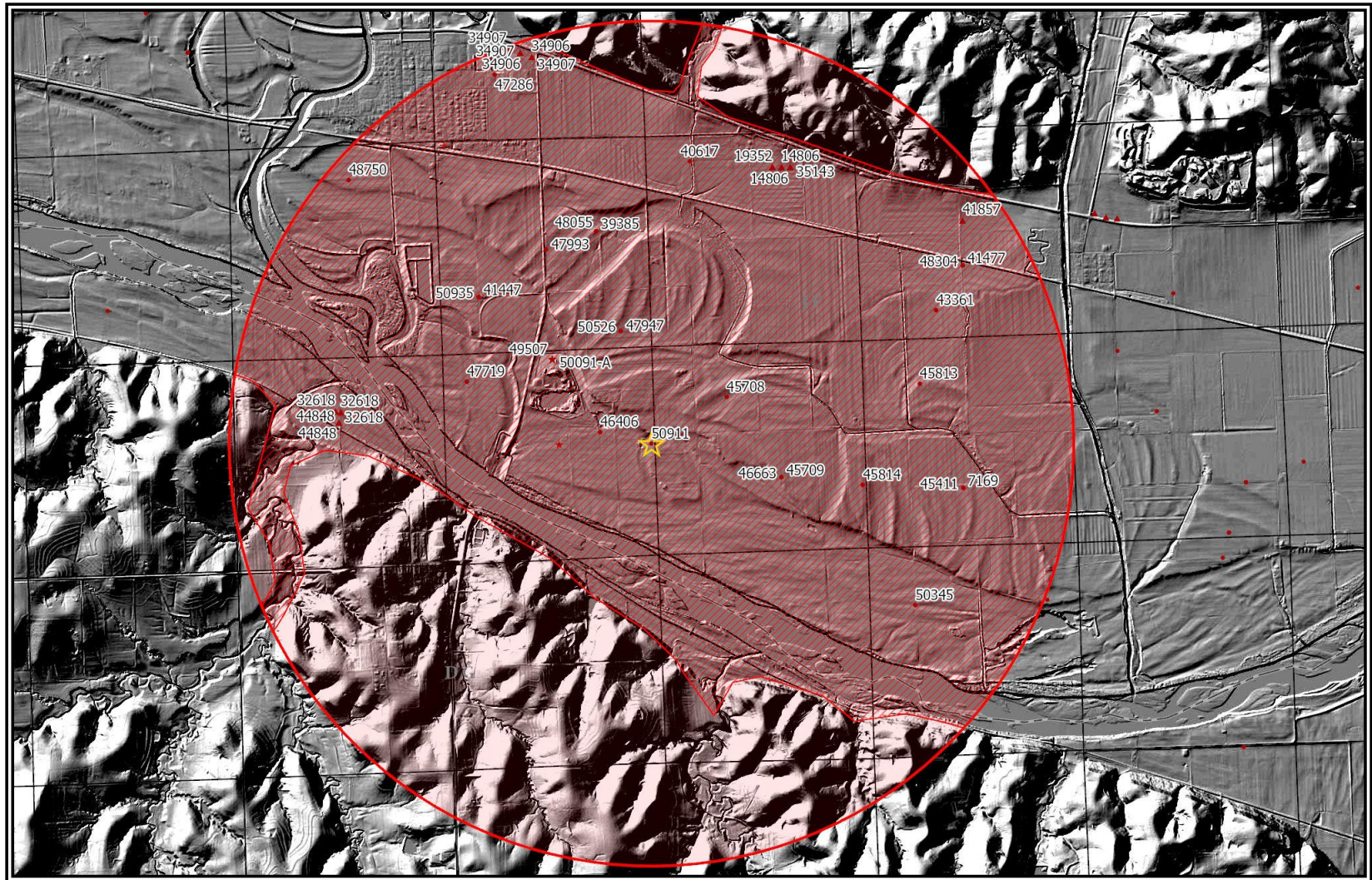
GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

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=====
File Number      Use ST SR
> MICHAEL L & VIRGINIA F JAMISON
>
> 2268 US 59 HWY
> PERRY KS 66073
> -----
> JEFFERSON RWD 02
>
> PO BOX 804
> PERRY KS 66073
> -----
> JEFFERSON RWD 02
>
> PO BOX 804
> PERRY KS 66073
> -----
> CITY OF LECOMPTON
>
> PO BOX 100
> LECOMPTON KS 66050
> -----
> CITY OF PERRY
> CITY HALL
> 115 ELM PO BOX 724
> PERRY KS 66073
> -----
> CITY OF PERRY
> CITY HALL
> 115 ELM PO BOX 724
> PERRY KS 66073
> -----
> JEFFERSON RWD 02
>
> PO BOX 804
> PERRY KS 66073
> -----
> JENNIFER J BAYER
>
> 6846 BELMONT DR
> SHAWNEE KS 66226
> -----
> NICOLE ANN COLLINS
>
> 1473 TRAIL RD
> CONCORDIA KS 66901
> -----
> DON HURD
>
> 2926 LINN RD
> PERRY KS 66073
> -----
> JENNIFER J BAYER
>
> 6846 BELMONT DR
> SHAWNEE KS 66226
  
```


Safe Yield Report Sheet
Water Right- A5091100
Point of Diversion in 35-11S-18E
Footages from SE corner- 2,800 feet North 90 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 3,166.99 AF.

Total prior appropriations in the circle is 2,331.07 AF – 274.94 AF + 290.62 AF + 130 AF – 117 AF = 2,359.75 AF

Total quantity of water available for appropriation is 807.24 AF.

Safe Yield Variables

The area used for the analysis is set at 5,508 acres.

The potential annual recharge at the circle center is estimated to be 9.2 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 20-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 37 water rights and 30 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 7169 00	IRR	NK	G		SE	NE	SW	1467	2854	31	11	19E	2	WR	54.00	54.00	117.00	117.00
A 14806 00	MUN	NK	G		SE	NW	NE	4420	1888	25	11	18E	5	WR	8.13	8.13		
Same	MUN	NK	G		SE	NW	NE	4413	1664	25	11	18E	6	WR				
Same	MUN	NK	G		SW	NW	NE	4427	2113	25	11	18E	7	WR				
A 19352 00	MUN	NK	G		SE	NW	NE	4420	1888	25	11	18E	5	WR	39.90	31.92		
Same	MUN	NK	G		SE	NW	NE	4413	1664	25	11	18E	6	WR				
Same	MUN	NK	G		SW	NW	NE	4427	2113	25	11	18E	7	WR				
A 32618 00	MUN	NK	G		NW	SW	NE	3958	2615	34	11	18E	2	WR	62.08	62.08		
Same	MUN	NK	G		SE	NE	NW	4010	2815	34	11	18E	3	WR				
Same	MUN	NK	G		SE	NE	NW	3984	2715	34	11	18E	4	WR				
A 34906 00	MUN	NK	G		NE	NE	SW	2088	2784	23	11	18E	1	WR	69.82	69.82		
Same	MUN	NK	G		NW	NE	SW	2314	3351	23	11	18E	2	WR				
Same	MUN	NK	G		NE	NE	SW	2201	3068	23	11	18E	5	WR				
A 34907 00	MUN	NK	G		NE	NE	SW	2088	2784	23	11	18E	1	WR	68.05	66.72		
Same	MUN	NK	G		NW	NE	SW	2314	3351	23	11	18E	2	WR				
Same	MUN	NK	G		NE	NE	SW	2201	3068	23	11	18E	5	WR				
A 35143 00	MUN	NK	G		SE	NW	NE	4420	1888	25	11	18E	5	WR	17.32	17.32		
Same	MUN	NK	G		SE	NW	NE	4413	1664	25	11	18E	6	WR				
Same	MUN	NK	G		SW	NW	NE	4427	2113	25	11	18E	7	WR				
A 39385 00	IRR	NK	G		SW	SE	NE	2935	1223	26	11	18E	3	WR	51.00	51.00	58.00	58.00
A 39521 00	IRR	NK	G		SW	NW	SE	1772	2156	23	11	18E	3	WR	43.00	43.00	112.00	112.00
A 40617 00	IRR	NK	G		NE	NW	NW	4638	4174	25	11	18E	4	WR	25.00	25.00	36.00	36.00

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 41447 00	IRR	NK	G		SE	NW	SW	1376	4304	26	11	18E	4	WR	20.00	20.00	51.00	51.00
A 41477 00	IRR	NK	G		SW	NW	SE	1795	2627	30	11	19E	1	WR	85.00	85.00	127.00	127.00
A 41857 00	MUN	LR	G		SW	SW	NE	2930	2550	30	11	19E	2	WR	290.62	290.62 274.94		
A 43059 00	MUN	NK	G		SE	NW	NE	4420	1888	25	11	18E	5	WR	170.68	113.31		
Same	MUN	NK	G		SE	NW	NE	4413	1664	25	11	18E	6	WR				
Same	MUN	NK	G		SW	NW	NE	4427	2113	25	11	18E	7	WR				
A 43361 00	IRR	NK	G			E2	SW	695	3326	30	11	19E	3	WR	33.00	33.00	37.00	37.00
A 44848 00	MUN	LR	G		NW	SW	NE	3958	2615	34	11	18E	2	WR	143.38	81.30		
Same	MUN	LR	G		SE	NE	NW	4010	2815	34	11	18E	3	WR				
Same	MUN	LR	G		SE	NE	NW	3984	2715	34	11	18E	4	WR				
A 45411 00	IRR	NK	G		SE	NE	SW	1467	2854	31	11	19E	2	WR	36.00	36.00	117.00	0.00
A 45708 00	IRR	NK	G					3906	3437	36	11	18E	3	WR	55.00	55.00	55.00	55.00
A 45709 00	IRR	NK	G		SW	NW	SE	1848	2122	36	11	18E	4	WR	98.00	98.00	280.00	280.00
A 45813 00	IRR	NK	G		SW	NE	NW	4112	3854	31	11	19E	3	WR	102.00	102.00	102.00	102.00
A 45814 00	IRR	NK	G		SE	NE	SE	1589	82	36	11	18E	5	WR	110.00	110.00	110.00	110.00
A 45815 00	IRR	NK	G		SW	NW	SE	1772	2156	23	11	18E	3	WR	85.00	42.00	112.00	0.00
A 46406 00	IRR	NK	G		SE	SW	NE	3132	1368	35	11	18E	4	WR	83.00	83.00	143.00	143.00
A 46663 00	IRR	NK	G		SW	NW	SE	1848	2122	36	11	18E	4	WR	224.00	126.00	280.00	0.00
A 47286 00	IRR	NK	G		SW	NE	SW	1677	3718	23	11	18E	4	WR	9.70	9.70	5.90	5.90
A 47719 00	IRR	LR	G		SW	NW	NW	4470	4635	35	11	18E	5	WR	147.00	147.00	147.00	147.00
A 47947 00	IRR	MM	G		SW	SE	SE	415	758	26	11	18E	7	WR	67.00	67.00	67.00	67.00
A 47993 00	IRR	NK	G		NW	NW	SE	2516	2569	26	11	18E	8	WR	17.00	17.00	33.50	33.50
A 48055 00	IRR	NK	G		SW	SE	NE	2935	1223	26	11	18E	3	WR	87.00	36.00	58.00	0.00
A 48304 00	IRR	LR	G		SW	NW	SE	1795	2627	30	11	19E	1	WR	40.00	40.00	127.00	0.00
A 48750 00	IRR	LO	G		SW	NW	NE	4580	2170	27	11	18E	5	WR	113.00	113.00	113.00	113.00
A 49507 00	IND	MM	G		NW	NW	NE	4992	2515	35	11	18E	8	WR	6.14	6.14		
A 50091 A	IND	KE	G		NW	NW	NE	4992	2515	35	11	18E	8	WR	30.69	30.69		
A 50345 00	IRR	KE	G		NE	SW	NW	3756	4105	06	12	19E	5	WR	130.00	130.00 130.00	130.00	130.00
A 50526 00	IRR	KE	G		SW	SE	SE	415	758	26	11	18E	7	WR	126.00	59.00	67.00	0.00
A 50911 00	IRR	AY	G		SE	SE	NE	2800	90	35	11	18E	9	WR	117.00	117.00	117.00	117.00
A 50935 00	IRR	AY	G		SE	NW	SW	1376	4304	26	11	18E	4	WR	55.00	0.00	55.00	0.00

Limitations

File Number	Seq Num	Limitations	
A 19352 00	1	13 MGY @80 GPM COM/W #14806	* 13 MGY – 2.65 MGY = 10.35 MGY (31.76 AF) - OK
A 34907 00	1	44.491MGY @200GPM COM/W #34906	* 44.491MGY – 22.751 MGY = 21.74 MGY (66.72 AF) - OK
A 35143 00	1	110GPM COM/W #14,806 & 19,352	* rate limitation

File Number	Seq Num	Limitations
A 41857 00	1	580.99AF/YR (189.3MGY) COM/W #17992 & 41515 [not in circle?] * 94.7 MGY (290.62 AF)
A 43059 00	2	55.616 MGY @ 165 GPM COM/W #14806, #19352 & #35143 *55.616 MGY– 2.65 MGY– 10.35 AF– 5.643 MGY = 36.973 MGY (113.46 AF) - OK
A 44848 00	1	46.72MGY @ 800GPM COM/W #32,618 *46.72MGY– 20.23 MGY = 26.49 MGY (81.29 AF) - OK
A 45411 00	1	1000GPM COM/W #7169 * rate limitation
A 45815 00	2	85 AF/YR COM/W #39521 (PU) *85 AF – 43 AF = 42 AF - OK
Same	3	800 GPM COM/W #39521 (PD) * rate limitation
A 46663 00	2	224 AF/YR @ 1170 GPM COM/W #45709 *224 AF – 98 AF = 126 AF - OK
A 48055 00	1	87 AF/YR @ 700GPM COM/W #39385 *87 AF – 51 AF = 36 AF - OK
A 48304 00	1	1000GPM COM/W #41477 * rate limitation
A 50345 00	1	130 AF COM/W #50209 (ON P/U) *130 AF – 0 AF (#50209 dismissed) = 130 AF
A 50526 00	1	126 AF/YR @ 1000 GPM COM/W #47947 *126 AF – 67 AF = 59 AF - OK

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. 50,911** of the applicant

**RCS PROPERTIES LLC
PO BOX 668
MANHATTAN, KS 66505**

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 **November 17, 2022**.
2. That the water sought to be appropriated shall be used for irrigation use on land, located in Kaw Half Breed Indian Land Survey No. 20, 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	
26 - 11S - 18E															13.0		13.0
35 - 11S - 18E		9.0	3.5	38.5									26.5				77.5
36 - 11S - 18E							2.5			24.0							26.5

3. That the authorized source from which the appropriation shall be made is groundwater to be withdrawn by means of one well located in the Southeast Quarter of the Southeast Quarter of the Northeast Quarter (SE¼ SE¼ NE¼) of hypothetical Section 35, more particularly described as being near a point 2,800 feet North and 90 feet West of the Southeast corner of said hypothetical section, in Kaw Half Breed Indian Land Survey No. 20, in Township 11 South, Range 18 East, Jefferson County, Kansas, located substantially as shown on the map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **1,200 gallons per minute (2.67 c.f.s.)** and to a quantity not to exceed **117 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 the 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 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.

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

15. 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.

16. 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 condition satisfactory to the Chief Engineer.

17. 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 *1st* day of *August*, 2024, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

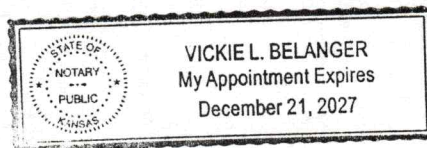
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this *1st* day of *August*, 2024, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Vickie L. Belanger

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

August 9, 2024

RICHARD SHERMOEN
RCS PROPERTIES LLC
PO BOX 668
MANHATTAN KS 66505

RE: Appropriation of Water
File No. 50,911

Dear Mr. Shermoen:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works, if applicable, 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 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. Reports may be submitted online for no fee at 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.

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. 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
Water Appropriation Program

KAB:kak:lh
Enclosures
pc: 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.

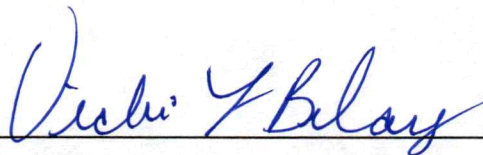
CERTIFICATE OF SERVICE

On this 9th day of August, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,911, dated August 1, 2024, was mailed postage prepaid, first class, US mail to the following:

RCS PROPERTIES LLC
PO BOX 668
MANHATTAN KS 66505

With photocopies to:

KDA-DWR Topeka Field Office



Division of Water Resources