



File No. **50917**      13. County: **RN - Reno** Basin: **53 - N F Ninnescah River** Stream:  
 Structures File No:      Aquifer Code: **180 UNDIFFENTIALTED KANSAS/NEBRASKAN**      Special Use Area:

14. Points of Diversion, Rates & Quantities

PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Qty <b>AF</b>		Rate <b>gpm</b>		Storage Qty <b>AF</b>		Storage Rate	Overlaps
									Auth	Add	Auth	Add	Auth	Add	Auth/Add	
<b>MOD 89914</b>	<b>NW SE SE</b>	<b>2</b>	<b>24S</b>	<b>7W</b>	<b>3</b>	<b>811</b>	<b>882</b>		<b>15</b>	<b>15</b>	<b>50</b>	<b>50</b>				<b>NONE</b>

15. Limitations **NEW** Type:      Quantity: **AF** Rate:      **gpm** combined with file no(s):  
**NEW** Type:      Quantity:      **AF** Rate:      **gpm** combined with file no(s):

16. Metering     Metering Required     Anti-Reverse Required     Seal Required    Compliance Date: **12/31/2026**

17. Place of Use

PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps	
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
<b>MOD 71129</b>	<b>2</b>	<b>24S</b>	<b>7W</b>	<b>3</b>																				<input type="checkbox"/>	<b>NONE</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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# MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

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Date: September 17, 2024

From: Kris Neuhauser, Environmental Scientist

Re: New Application File No. 50,917 – David M. Yoder

## Summary

David Yoder has filed an application to appropriate groundwater to irrigate 13.4 acres in Reno County, Kansas, requesting one well, with a quantity of 15 acre-feet of water per calendar year, at a diversion rate of 50 gallons per minute (gpm).

## Reasonable Rate and Quantity

Originally, the application requested 35 acre-feet per calendar year with a maximum pumping rate of 200 gpm. However, Equus Beds Groundwater Management District No. 2 (GMD 2) recommended denial based on failure to comply with their safe yield regulation. Mr. Yoder appealed to the GMD 2 Board, but was not granted an exception to the regulation. Tim Boese, manager of GMD 2, spoke to Mr. Yoder via phone call on May 29, 2024, during which he agreed to modify the application to comply with the small use safe yield exemption of 15 acre-feet per calendar year at a maximum rate of 50 gpm. Mr. Yoder initialed and dated these changes on the application. The place of use was also modified from 25 acres down to 13.4 acres. Mr. Yoder met with GMD 2 hydrogeologist, Brad Barton, on September 17, 2024, to sign off on an updated place of use map.

## Source of Supply and Safe Yield

Based on the well log and nearby logs, the source of supply appears to be the Equus Beds aquifer. Safe yield requirements will not apply as this is a 15 acre-feet small use exemption via K.A.R. 5-3-16.

## Nearby Water Rights

The nearest non-domestic well is over 3,000 feet away, authorized by File No. 39,242. Non-domestic well spacing criteria is met. It appears that at least one domestic well falls within the required well spacing of 660 feet. However, domestic well owners Marvin Nisly and Harold Nisly have both signed domestic well owner spacing consent forms. Therefore, no spacing waivers will be required. Two nearby notification letters were mailed on September 18, 2024, no responses of any kind have been received to date.

## Recommendations

Time Boese, manager of GMD 2, recommended approval of the application in a letter dated August 7, 2024. Jeff Lanterman, Water Commissioner of the Stafford Field Office and Cameron Conant, Assistant Water Commissioner of the Stafford Field Office recommended approval of the application in an email dated October 4, 2024. Based on the above discussion, the area is open to new appropriations, the application is requesting a 15 acre-feet small use exemption, non-domestic well spacing criteria is met, two domestic well owner consent

forms have been signed and submitted for wells that don't meet domestic well spacing criteria, and approval of the application should not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.

A handwritten signature in black ink, appearing to read "Kris Neuhauser". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kris Neuhauser  
New Applications Lead  
Water Appropriation Program

DALE SCHMIDT, PRESIDENT  
VIN KISSICK, VICE PRESIDENT  
DAVID BOGNER, SECRETARY  
MIKE MCGINN, TREASURER  
TIM BOESE, MANAGER  
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:  
MICHAEL BAALMANN  
JOE BERGKAMP  
ALAN BURGHART  
RODNEY EGGLESTON  
JAKE MARTIN  
ETHAN REIMER  
DAVID STROBERG

## EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

August 7, 2024

Chief Engineer, Division of Water Resources  
Attn: Kris Neuhauser  
1320 Research Park Drive  
Manhattan, Kansas 66502

Re: Water Appropriation Application No. 50917 – David M. Yoder

Dear: Mr. Neuhauser

The Equus Beds Groundwater Management District No. 2 reviewed the referenced revised application on August 7, 2024, using the District's Revised Management Program (effective May 1, 1995) and Rules and Regulations K.A.R. 5-22-1 through 5-22-17.

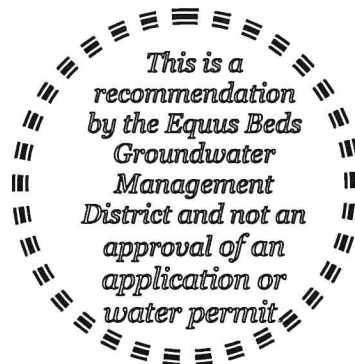
The revised new application complies with the Revised Aquifer Management program approved by the Chief Engineer and with the District's Rules and Regulations K.A.R. 5-22-1 through 5-22-17. Specifically, the application complies with the Safe Yield Rule and Regulation exemption criteria allowed in K.A.R. 5-22-7(b)(1).

Based upon the review, the revised new application complies with the Revised Aquifer Management program approved by the Chief Engineer and with the District's Rules and Regulations K.A.R. 5-22-1 through 5-22-17. Therefore, the new application is recommended for approval by the Equus Beds Groundwater Management District No. 2.

A District decision may be appealed to the District Board of Directors by submitting a written petition to the District office within 30 days from the date of this notification, pursuant to K.A.R. 5-22-12. Please contact the District should you have any questions regarding the review or recommendation.

Sincerely,  
EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2

Tim Boese  
Manager



TDB/BLB

pc: David M. Yoder, Applicant and Owner  
Jeff Lanterman, Division of Water Resources, Stafford



# EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2 FINAL APPLICATION REVIEW CHECKLIST

- 1) Application No. 50917 Date filed: November 28, 2022  
 2) Applicant: David M. Yoder County: Reno  
 3) Proposed maximum quantity: 15 acre-feet/year Rate: 50 GPM  
 4) Proposed Use: Irrigation  
 5) P/D location: NW-SE-SE 02-24S-7W Geo Center: North 811 ft, West 882 ft  
 6) Number and type of points of diversion listed on the application 1 Well
- 
- 7) Meter required K.A.R. 5-22-4a or K.A.R. 5-22-8?  Yes  No, Why \_\_\_\_\_
- 
- 8) Meets Safe Yield K.A.R. 5-22-7?  Yes  No  N/A  
 (a) Total allowable appropriations: 1383.00 af/yr  
 (b) Total existing appropriations: 2512.99 af/yr  
 (c) Total small user exemptions: 15.00 af/yr  
 (d) Total non-consumptive use: 0.00 af/yr  
 (e) Total consumptive use: 2512.99 af/yr  
 (Total existing appropriations) – (Total non-consumptive use)  
 (f) exempt from regulation?  Yes  No,  
 Cite exemption: Small Use Exemption K.A.R. 5-22-7(b)(1)
- 
- 9) Meets Well Spacing K.A.R. 5-22-2?  Yes  No  N/A  
 (a) POD in enhanced well spacing area?  Yes  No  
 (b) Domestic well spacing interval: <660 (spacing consent forms submitted) ft  
 (c) Non-Domestic well spacing interval: >1320 ft
- 
- 10) Meets Max Reasonable Quantity K.A.R. 5-22-14?  Yes  No  N/A  
 (a) Irrigation max quantity: 1.12 acre-feet / acre  
 application paragraph 3 value (acre-feet) / proposed acres = Q  
 (b) Stockwater max quantity: \_\_\_\_\_ GPD \_\_\_\_\_ unit  
 (c) Industry max quantity: \_\_\_\_\_ Acre \_\_\_\_\_  
 Industry standard: \_\_\_\_\_  
 (d) Municipal max quantity: \_\_\_\_\_ GCD  
 Lesser of either 200 GCD or  
 $1.10 * (X - Y) * 365 d * (z + t)$   
 X - Average of last three years usage in Gallons per Capita per Day (GCD)  
 Y - water usage for industries that use over 200,000 gal/yr (GCD)  
 Z - Projected population in 20 years  
 T - Reasonable projected water use for industries that use over 200,000 gallons per year (GCD)  
 (e) Pond max quantity is \_\_\_\_\_  
 (Net evap + seepage)/12 x pond area + any initial fill  
 (f) Groundwater pit max Q: \_\_\_\_\_  
 Net evap \* pit area/12
- 
- 11) Reasonable rate for intended use?  Yes  No  N/A  
 12) Depth to water: 40.71 ft on 4/4/2024 bls at observation well: SC 48151 ~ 1.0 mile S-SE
- 
- 13) Date reviewed: 8/07/2024  
 14) Reviewed by: B. Barton Title: Hydrogeologist  
 15) District recommendation:  Approve  Deny  Other, see comment  
*Renewed 8-7-24*  
*T. Aaron*

## 16) Comments and Calculations:

Review completed for new application submitted by David M. Yoder in Reno County for 15 AF/Y for irrigation of 13.4 acres. Applicant revised and submitted application after GMD2 recommendation of denial and appeal to GMD2 Board of the original application. Applicant modified the proposed PD location to the existing well used for test well and requested small use exemption of Safe Yield Reg with reduced rate to 50 GPM, reduced quantity to 15 AF, and reduced PU to 13.4 acres.

Item 8 - Area over-appropriated by 1129.99 AF including this application. Note: This is in enhanced well spacing area in Reno Co. recharge rate of 2" used for area in enhanced well spacing area, 6" used for area outside enhanced well spacing area. Applicant requested exemption from Safe Yield Rule and Regulation with small use exemption to 15 AF and 50 GPM on 13.4 acres. There are no senior small use exemption water permits within the area of consideration (2 mile circle), so 45 AF of small use exemption quantity was available (30 AF left if this application is approved).

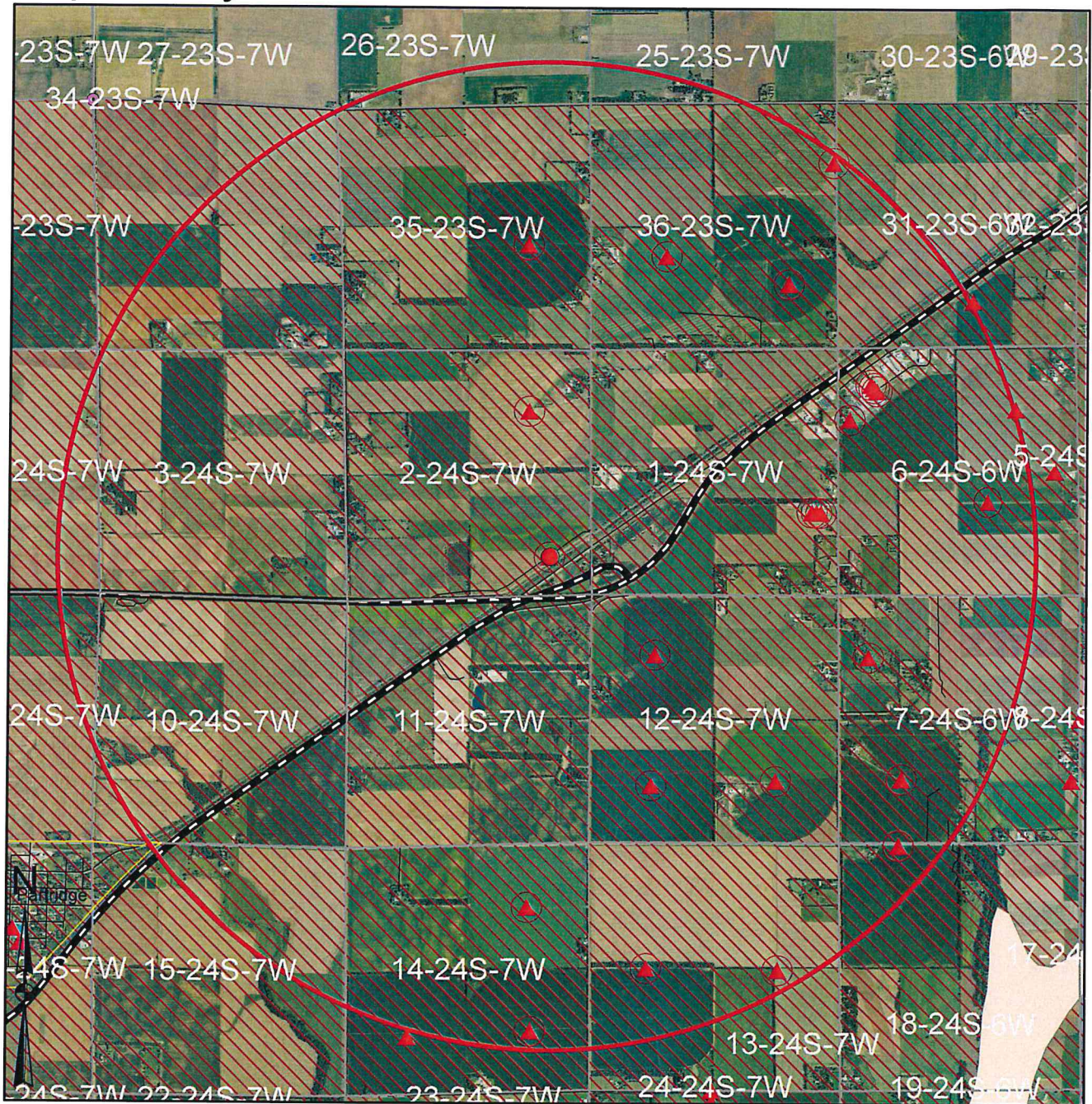
Item 9 - Minimum well spacing not met to one or more domestic wells nearby, as shown on the map there are possibly 2 domestic wells locations to the southeast and south of the proposed PD that do not meet minimum spacing requirement of 660 ft. Applicant did submit 2 domestic well spacing consent forms signed by the domestic well owners pursuant to K.A.R. 5-22-2(e)(4).

Item 10(a) - 15 acre-feet / 13.4 acres = 1.12 acre-feet / acre. Max for Reno County is 1.4 AF/A.

Recommend approval, complies with K.A.R. 5-22-1 through 5-22-17, specifically meets the Safe Yield Reg small use exemption K.A.R. 5-22-7(b)(1), and domestic well spacing exemption criteria K.A.R. 5-22-4(e)(4) with signed consent forms submitted from 2 nearby domestic well owners.



# Equus Beds Groundwater Management District No. 2 Safe Yield Evaluation - New App #50917 Revision - Yoder NW-SE-SE (811'N & 882'W) 02-24S-07W, Reno County Prepared By: B. Barton      Date: 7/9/2024



### Map Legend

- Proposed Point of Diversion
- Major Highway
- Enhanced Well Spacing Area
- Area of Consideration Boundary
- Other Roadway
- Shallow Bedrock
- Points of Diversion
- Major Stream
- Cities in Kansas
- Monitoring Wells
- County Boundary

0.5 0.25 0 0.5 Miles





**SAFEYIELD EVALUATION - New App # 50917 revision - Yoder**  
**LOCATION: NW-SE-SE (811'N & 882'W) 02-24S-07W, Reno County**  
**SPECIAL USE AREA: ENHANCED WELL SPACING AREA**  
**EVALUATION DATE:- 7/9/2024**

Total Areas: 8,042 acres; Area in 2 inch discharge zone: 7,914 acres; Area in 6 inch discharge zone: 128 acres

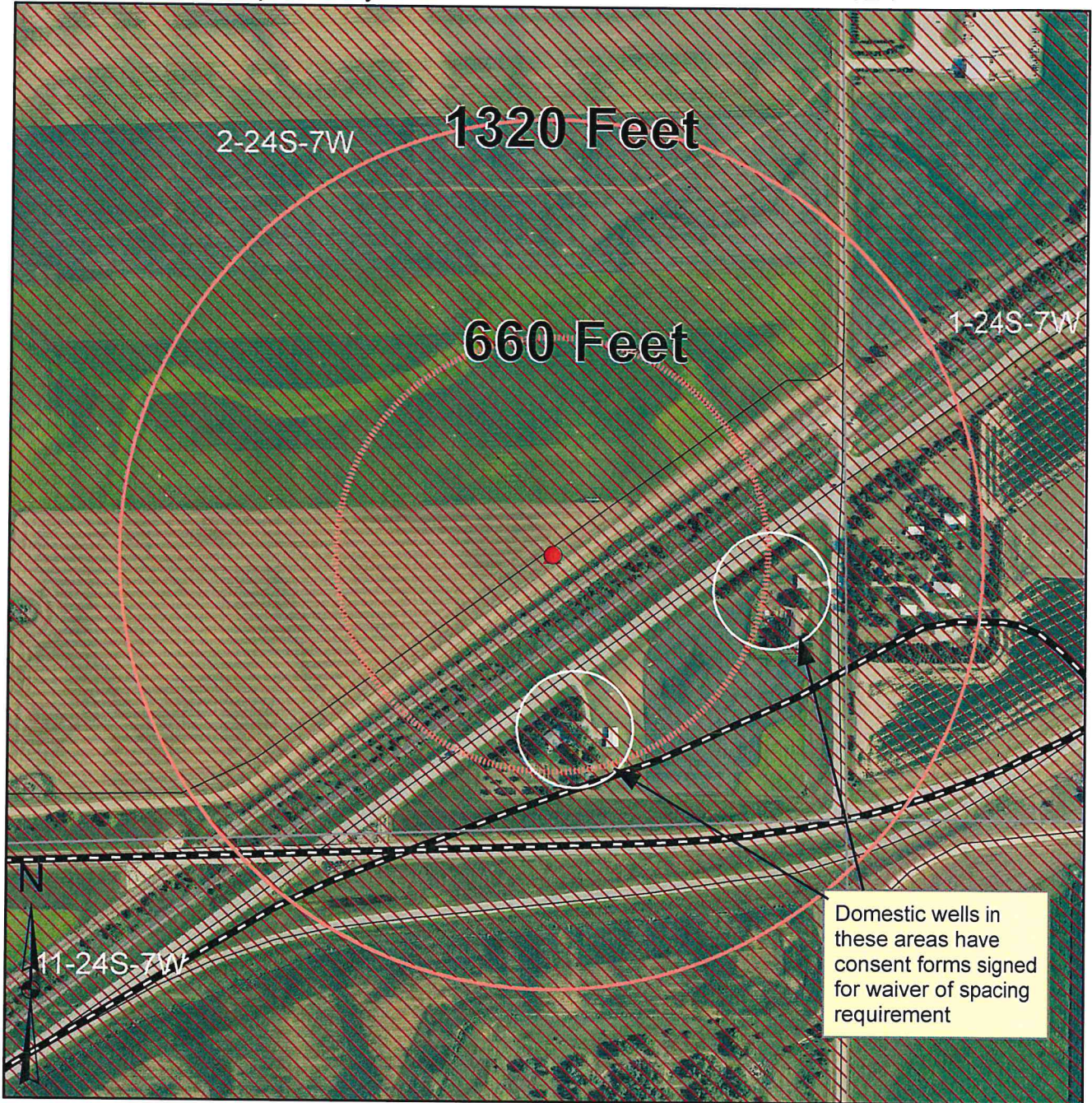
FILE_ID	WELL_ID	TOWNSHIP	RANGE	SECTION	QUALIFIER	USE	AUTHQUANTITY
A00205600	698	24S	07W	13	26584156	IRR	50
A00415800	301	24S	06W	7	NCW2NW	IRR	120
A00587800	169	24S	06W	7	13723890	IRR	175
A01288100	1587	24S	06W	6	20002000	IRR	49
A03270300	582	24S	07W	13	26001320	IRR	105
A03380100	1436	24S	06W	18	52353960	IRR	141
A03596000	93	24S	07W	14	12831246	IRR	132
A03693500	1235	24S	07W	14	39341299	IRR	115
A03819100	668	23S	07W	35	22451320	IRR	51
A03924200	440	24S	07W	2	39601320	IRR	157
A04247200	2306	24S	07W	12	40223933	IRR	173
A04476800	2886	23S	07W	36	19913677	IRR	81.2
A04518900	2960	23S	07W	36	13751032	IRR	114.8
A04612300	3251	23S	07W	36	13751032	IRR	57
A04622700	3271	24S	07W	1	17740432	IND	3.79
A04622700	3273	24S	07W	1	17700334	IND	0
A04622700	3272	24S	07W	1	17770530	IND	0
A04622800	3274	24S	06W	6	44474476	IND	10
A04622800	3275	24S	06W	6	45144539	IND	0
A04622800	3276	24S	06W	6	43804412	IND	0
A04622900	3277	24S	06W	6	37724994	IND	9.6
A04649500	3369	24S	07W	12	13521347	IRR	141
A04710900	3516	24S	07W	14	39341299	IRR	61.4
A04814500	3916	24S	07W	13	26584156	IRR	121.5
A04815000	3918	24S	07W	14	12831246	IRR	92
A04815100	3919	24S	07W	12	12804035	IRR	224
A04980400	4964	23S	07W	35	22451320	IRR	133.8
A05008800	5256	23S	07W	36	19913677	IRR	21
A05027800	5254	23S	07W	36	39600060	IRR	158.9
A05091700P	5474	24S	07W	2	8110882	IRR	15
MF20227401	0	24S	06W	18	52353960	IRR	0
<b>Allowable Appropriations</b>		<b>1,383.00</b>			<b>Total Existing Appropriation</b>		<b>2,512.99</b>
<b>Small User Quantity</b>		<b>15</b>			<b>Non Consumptive Appropriations</b>		<b>0</b>
<b>Remaining SUQ</b>		<b>30</b>			<b>Consumptive Appropriations</b>		<b>2,512.99</b>
<b>Note- Values are in acre-feet</b>					<b>Available Appropriations</b>		<b>0</b>



Equus Beds Groundwater Management District No. 2  
 NW-SE-SE (811'N & 882'W) 02-24S-07W, Reno County  
 SPACING EVALUATION NO 50917  
 SPECIAL USE AREA: ENHANCED WELL SPACING AREA

Prepared By: BRAD BARTON

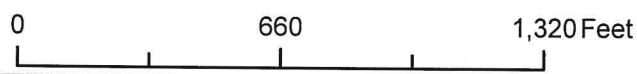
Date: 7/9/2024



Domestic wells in these areas have consent forms signed for waiver of spacing requirement

**Map Legend**

- Proposed Point of Diversion
- ▲ Points of Diversion
- ⊙ Monitoring Wells
- Major Highway
- Other Roadway
- Major Stream
- ▨ Enhanced Well Spacing Area
- Cities in Kansas
- ▭ County Boundary



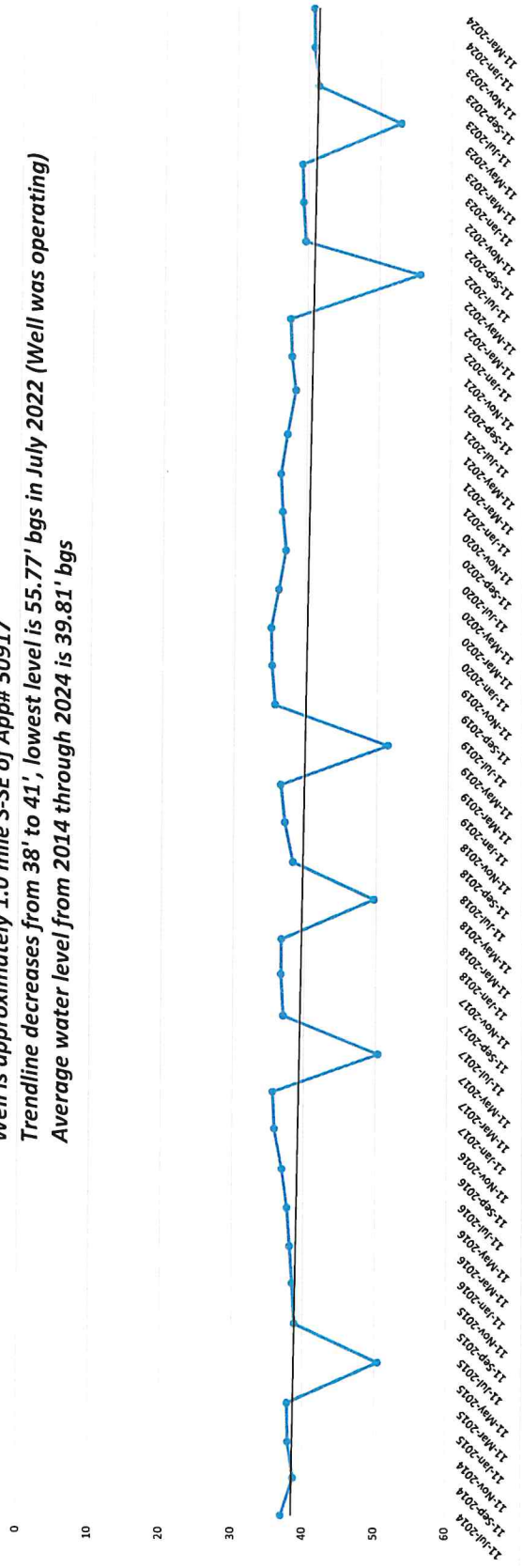


**NE-SW-SW SECTION 12 T24S R7W**

**Water Levels in SC 48151**

*Well is approximately 1.0 mile S-SE of App# 50917  
Trendline decreases from 38' to 41', lowest level is 55.77' bgs in July 2022 (Well was operating)  
Average water level from 2014 through 2024 is 39.81' bgs*

Depth to Water in Feet Below Ground Surface (ft-bgs)



DATE

**From:** "Lanterman, Jeff [KDA]"  
**Sent:** Fri 10/4/2024 2:59 PM  
**To:** "Neuhauser, Kris [KDA]" <Kris.Neuhauser@ks.gov>; "Letourneau, Lane [KDA]" <Lane.Letourneau@ks.gov>; "Baum, Kristen [KDA]" <Kristen.Baum@ks.gov>  
**CC:** "Conant, Cameron [KDA]" <Cameron.Conant@ks.gov>  
**Subject:** RE: 50917 rec. request

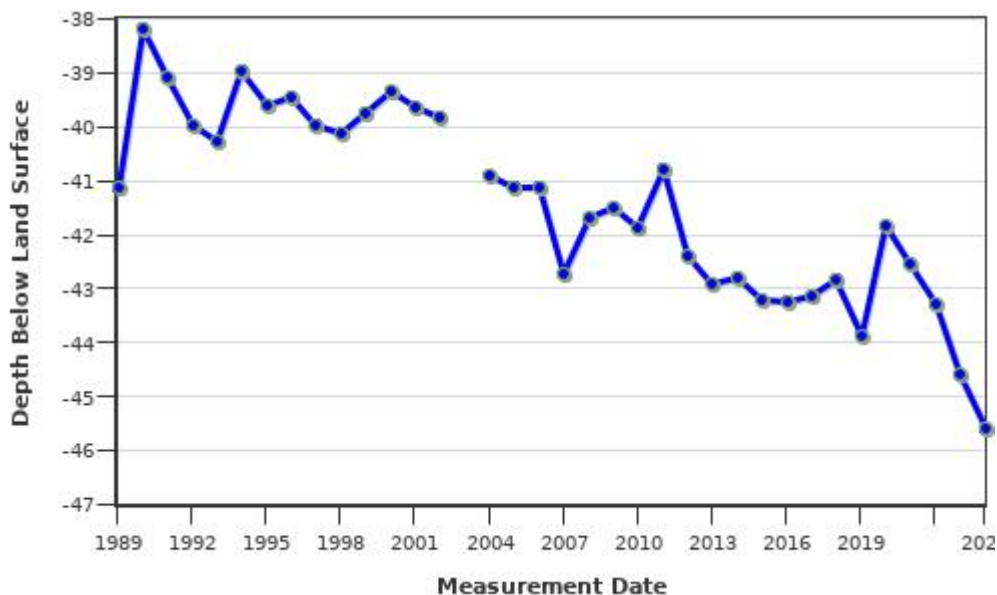
Kris, I am ok approving this small user exemption.

There are some water level declines in the area and this is the nearest hydrograph in the section to the north: [https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs\\_id=380041098033401](https://geohydro.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=380041098033401)

Id say that this area became over appropriated circa 2001 just eyeballing the tipping point for stable water levels here.

Lane we really need tech services to do the work in GMD 2 to shut these hot spot areas down. This is right in the Partridge area where Lisa French was just complaining at KOARK about domestic wells going dry.

Thanks



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**From:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Sent:** Friday, October 4, 2024 12:50 PM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Subject:** FW: 50917 rec. request

Kris had worked with Tim on this to get the application acres and AF to be at the minimum per our change regs (Reno county MRQ is 1.12 AF/acre). We've used the MRQ on occasion for new apps, primarily when they are using the last of the SY in a 2 mile and sometimes with 15 AF exemptions. Don't love making a habit of applying MRQ to new applications, but in this case I don't think it is a big deal.

Mr. Yoder didn't meet normal SY appealed the board, was denied again, and he subsequently worked with Tim and Kris to revise the application down to just 50 GPM and 15 AF. His place of use is 13.4 acres (1.12 AF/acre). I recall during the meeting he was "retiring" and was hoping for a little patch of irrigated ground to work with. I don't know how well that little pivot will work with 50 GPM, but he wants to make a go of it for some small scale irrigation and I think it's ok.

Should be noted 2 nearby domestic wells didn't meet spacing but both have provided domestic spacing consent forms. This is 50 GPM in the Equus Beds, I don't think we'll have an issue here. They are using an existing well that was drilled to 115' with a SWL of 43'.



I think we can recommend approval of this application. Pass on to Kris if you agree.

*Cameron*

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**From:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>  
**Sent:** Wednesday, September 18, 2024 1:02 PM  
**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Cc:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** 50917 rec. request

Jeff and Cameron,

Two nearby letters are going out today, but wanted to get the rec. request in the pipeline. Attached is my draft memo for 50917. David Yoder has been checking in quite regularly with Brandon and I. He went into GMD 2 yesterday and updated his PU map (also attached). Everything should be set now.

I get into the backstory of his dealings with GMD 2 in the memo. I'll follow up if I hear back from either nearby domestic owner.

Let me know if you need anything further. Thanks!

***Kris Neuhauser***

New Applications Lead

Kansas Department of Agriculture, Division of Water Resources

Phone: 785-564-6643

# 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. 50,917** of the applicant

**DAVID M YODER**  
**9815 W TRAIL WEST RD**  
**PARTRIDGE, KS 67566**

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 28, 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	
2 - 24S - 7W																13.4	13.4

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW¼ SE¼ SE¼) of Section 2, more particularly described as being near a point 811 feet North and 882 feet West of the Southeast corner of said section, in Township 24 South, Range 7 West, Reno 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 **50 gallons per minute (0.11 c.f.s.)** and to a quantity not to exceed **15 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, 2026**, 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, 2030**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

13. That 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 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 17<sup>th</sup> day of October, 2024, in Manhattan, Riley County, Kansas.

*Lane P. Letourneau*

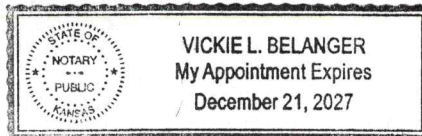
Lane P. Letourneau, P.G.  
Water Appropriation Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 17 day of October, 2024, by Lane P. Letourneau, P.G., Water Appropriation 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

October 22, 2024

DAVID M YODER  
9815 W TRAIL WEST RD  
PARTRIDGE KS 67566

RE: Appropriation of Water  
File No. 50,917

Dear Mr. Yoder:

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 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).

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](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 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 Applications and Changes Supervisor  
Division of Water Resources

KAB:kak:kjn

Enclosure(s)

pc: Stafford Field Office  
Equus Beds GMD No. 2

## 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 22 day of October, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,917, dated October 17, 2024, was mailed postage prepaid, first class, US mail to the following:

DAVID M YODER  
9815 W TRAIL WEST RD  
PARTRIDGE KS 67566

With photocopies to:

KDA-DWR Stafford Field Office

Equus Beds GMD No. 2



Division of Water Resources