

File No. **50,932** 15. Formation Code: **113** Drainage Basin: **23** County: **MC** Special Use: **N/A** Stream: **N/A**

16. Points of Diversion										17. Rate and Quantity				
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized Rate gpm	Quantity af	Additional Rate gpm	Quantity af	Overlap PD Files
CHK	89952	SE SE SW	15	6S	9W	3	328	2654		800	42	800	0	NONE
GEO-CENTER OF BATT OF 4 WELLS														
ENT	91140	SE SE SW	15	6S	9W		578	2654						
BATT 1 OF 4 WELLS														
ENT	91141	SE SE SW	15	6S	9W		453	2654						
BATT 1 OF 4 WELLS														
ENT	91142	SE SE SW	15	6S	9W		78	2654						
BATT 1 OF 4 WELLS														
ENT	91143	SE SE SW	15	6S	9W		203	2654						
BATT 1 OF 4 WELLS														
BATT ID 2410														

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: **54** af/yr at _____ gpm (_____ cfs) when combined with file number(s) **11116 & 50903**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2025** Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
T MOD DEL ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼								
CHK	20824	15	6S	9W	1												32					32	7A	N	11116, 50903				

Comments:

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

File Number: **50,932**

FO: **3**

GMD:

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	6/15/24	6	Statewide	Well Spacing Domestic	Unconfined
Rule Number	Date Granted	Date Denied	Justification:	Proposed geo-center fails to meet spacing (112 feet short) to a nearby domestic well also owned by the applicant.	
K.A.R. 5-4-4 (c)(2)(C)					

WAIVER RULE (complete only if a new rule needs to be created):

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
				K.A.R.		

Date Prepared **6/15/24** By **DLM**

Date Entered _____ By _____

From: Stewart, Kelly
Sent: Tue 7/16/2024 11:43 AM
To: Means, David [KDA]
Cc: Hageman, Nancy [KDA]
Subject: RE: New App Recommendation

David,

I have no objection to the approval of this application and the required well spacing waivers.

Kelly

From: Means, David [KDA] <David.Means@ks.gov>
Sent: Tuesday, July 16, 2024 11:20 AM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Subject: New App Recommendation

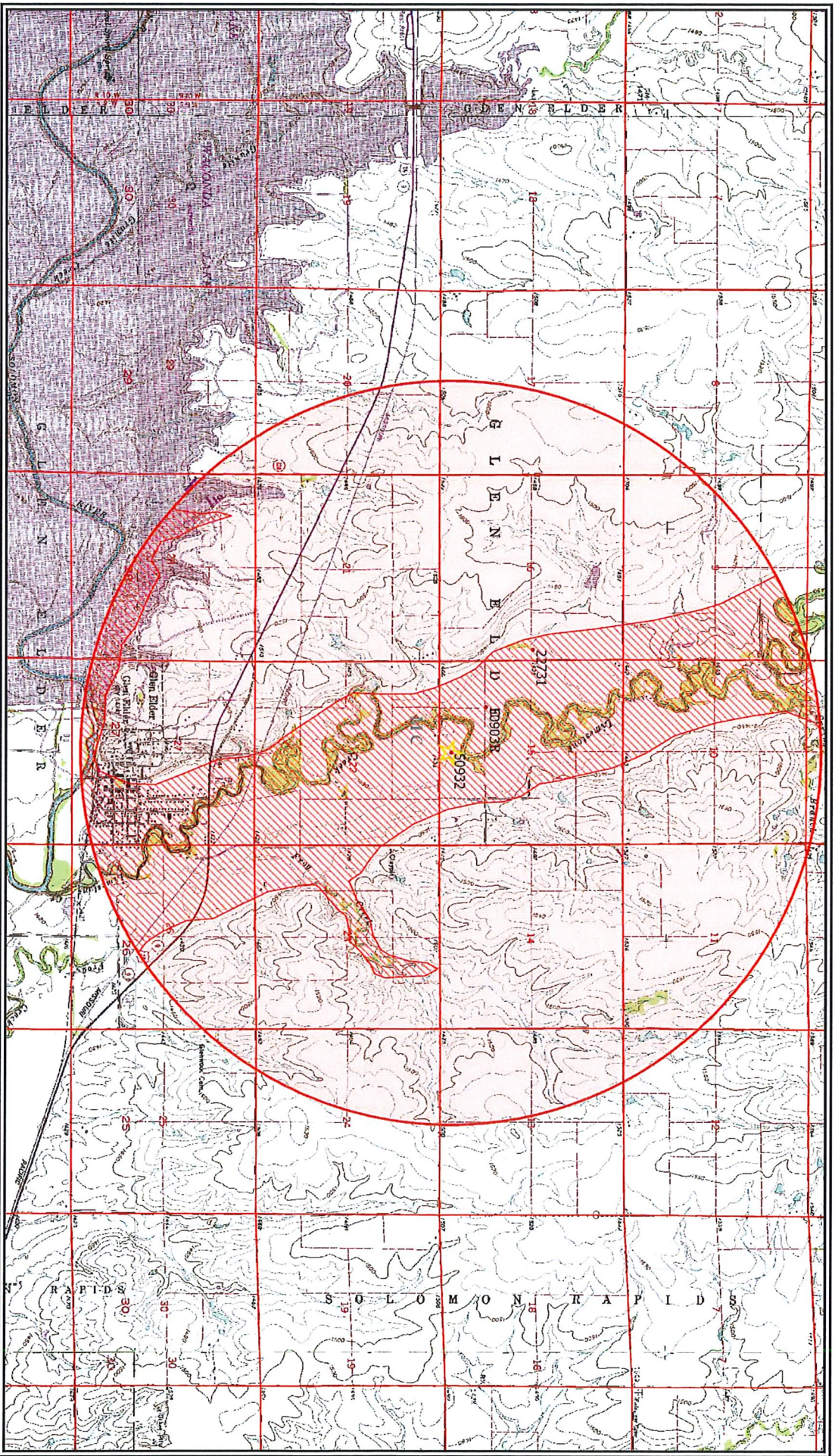
Kelly,
Attached is the memo for 50,932. Please provide your recommendation and/or comments.

Thanks,

David

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 15-06S-09W

Footages from SE corner- 328 feet North 2,654 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 273.52 AF.

Total prior appropriations in the circle is ~~117.00 AF~~ **75 AF**

Total quantity of water available for appropriation is ~~156.52 AF~~ **198.52 AF**

Safe Yield Variables

The area used for the analysis is set at 2,084 acres.

The potential annual recharge at the circle center is estimated to be 2.1 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 18-JUN-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 3 water rights and 3 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 22731 00	IRR	NK	G		SE	SE	NE	2685	350	16	06	09W	1	WR	33.00	33.00	75.00	75.00
A 50903 00	IRR	AY	G		SE	SW	SW	1320	3960	15	06	09W	2	WR	42.00	42.00	32.00	0.00
A 50932 00	IRR	AY	G		SE	SE	SW	328	2654	15	06	09W	3	WR	42.00	42.00	32.00	0.00

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. 50,932** of the applicant

**JOHN WINKEL
1937 D RD
GLEN ELDER KS 67446**

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 **December 21, 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	
15 - 6S - 9W												32					32

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 Southwest Quarter (SE¼ SE¼ SW¼) of Section 15, more particularly described as being near a point 328 feet North and 2,654 feet West of the Southeast corner of said section, in Township 6 South, Range 9 West, Mitchell 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 **42 acre-feet** of water for any calendar year.

5. That the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File No. 11,116, and Appropriation of Water, File No. 50,903, will provide a total quantity not to exceed **54 acre-feet** of water per calendar year for irrigation use on the described herein.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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).

15. 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.

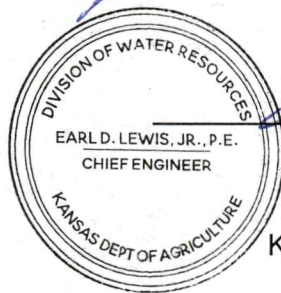
16. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

17. 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.

18. That this permit is further limited such that all 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 combined diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** and shall supply water to a common distribution system.

19. 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 *15th* day of *August*, 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 *15th* day of *August*, 2024, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings
Notary Public



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

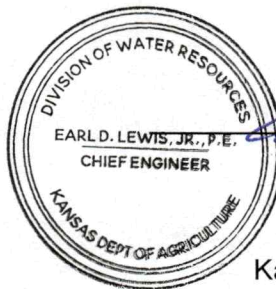
WAIVER OF REGULATION
K.A.R. 5-4-4 Well Spacing


Date: August 1, 2024.

Re: Application, File No. 50,932

1. That the geographical center of the battery of wells under the above referenced application does not meet the minimum well spacing criteria as required by K.A.R. 5-4-4(c)(1)(C), because it is located approximately 1,209 feet from the geographical center of a battery wells also proposed by Application, File No. 50,903.
2. That K.A.R. 5-4-4(c)(1)(C) requires minimum well spacing of 1,320 feet between non-domestic wells whose common source of supply is an alluvial aquifer system.
3. That the proposed point of diversion is very close to meeting well spacing from File No. 50,903 (121 feet short), but the wells under both projects will supply water to an overlapping place of use, are designed to operate together and will have a limiting endorsement for the proposed combined quantity of water.
4. That this waiver will not prejudicially or unreasonably affect the public interest, and no senior rights will be impaired by the proposed use.

Comments:




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

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 2, 2024

JOHN WINKEL
1937 D RD
GLEN ELDER KS 67446

RE: Appropriation of Water
File Nos. 50,903 and 50,932

Dear Mr. Winkel:

Enclosed are permits authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in each permit.

Notices 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 the permits. If you need an extension of time, you must request it before the deadline for completion set forth in the permits. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00, per file number.

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.

The approval of your applications constitutes permits to appropriate water. They do not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. They do 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 the Certificates of Appropriation which will establish the extent of your perfected water rights. 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 your local Stockton Field Office at 785-425-6787. 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:dlm
Enclosure(s)
pc: Stockton 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 2 day of August, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50932, dated August 1, 2024, was mailed postage prepaid, first class, US mail to the following:

JOHN WINKEL
1937 D RD
GLEN ELDER KS 67446

With photocopies to:

KDA-DWR Stockton Field Office



Division of Water Resources